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THE
POLITICAL
AND
COMMERCIAL WORKS

Of that celebrated Writer

CHARLES D'AVENANT, LL. D.

Relating to the
TRADE and REVENUE of ENGLAND,
The PLANTATION TRADE,
The EAST-INDIA TRADE,
And AFRICAN TRADE.

Collected and revised by
Sir CHARLES WHITWORTH,
Member of Parliament.

To which is annexed a copious INDEX.

VOLUME III.

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CONTENTS

OF THE

THIRD VOLUME.

A DISCOURSE upon GRANTS and RESUMPTIONS

Sect.		Page
I.	Introduction — — —	I
II.	Observations upon the management of the Romans in their public revenues —	30
III.	Of Resumptions — — —	58
IV.	That several ministers of state have been im- peached in parliament for presuming to pro- cure to themselves grants of the crown- revenue — — —	175
V.	That the forfeited estates in Ireland ought to be applied towards payment of the public debts — — —	251

CONTENTS.

	Page
POSTSCRIPT to the SECOND EDITION	293
An ESSAY upon the BALANCE of POWER — — —	299
An ESSAY upon the RIGHT of MAK- ING WAR, PEACE, and ALLIANCES	363

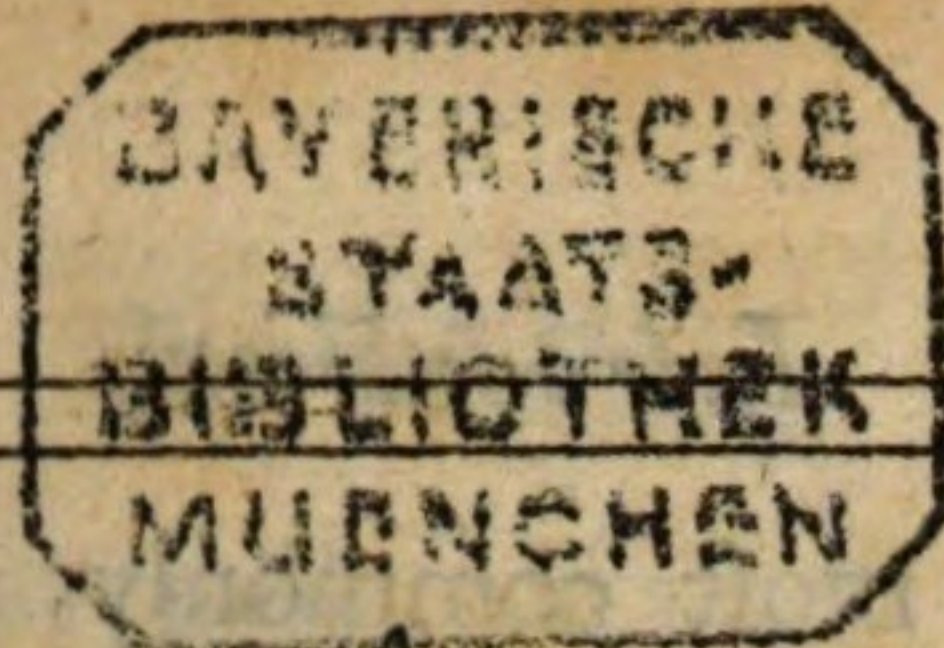
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THIRD VOLUME.

A DISCOURSE upon GRANTS and RE-
SUMPTIONS

Page	Sec.
1	I. Introduction
30	II. Observations upon the management of the Romans in their public revenue
48	III. Of Resumptions
102	IV. That several ministers of state have been in- spected in parliament for encroaching to pro- cure to themselves grants of the crown
172	V. That the forfeited estates in Ireland ought to be applied towards payment of the public debt

A DISCOURSE



DISCOURSE
UPON
GRANTS
AND
RESUMPTIONS.

SECTION I.

INTRODUCTION.

ALL governments well and wisely constituted, as soon as they began to form themselves into a politick existence, have separated from private use a certain proportion of their wealth, and assigned it to the uses of the publick: and this has not only been thought a point of wisdom by particular nations, but confederated cities and states have done the same; for the Grecians had a common treasury kept in the Temple of Apollo Delphicus, ready at all times to supply such affairs as they managed with united councils.

It is so necessary to particular nations, that there never was a commonwealth without a publick stock, which was either great or little; sometimes according as the state continued in peace, or was harrassed

with wars ; but most commonly according to the prudence or weaknes of such as governed, for there have been examples (as shall be shewn by and by) of states wisely ruled whom wars have enriched, and of others loosely managed that have been impoverished in times of the profoundest peace.

Commonwealths either in their first institution have allotted part of their territory, or in their further progress have assigned part of the lands coming to them by conquest, for the constant service of the state, both in war and in peace; and this they probably did; that they might not be compelled, at every turn, to call upon the people for contributions.

Where the government has been by a single person, the Prince has had his portion of land for his domestick expences, as appears in the instance of Tarquin, whose fields upon his expulsion were made publick ; but the burthen of any war lay upon the whole. In the kingships settled by the Huns, Goths, and Vandals, where the expedition was at the common expence of all, the conquered country was divided, the Prince had his proportion, his principal captains and commanders had theirs, and the common soldier was not without his share : thus Genferick king of the Vandals, when he prevailed in Africk, reserved to himself the provinces Bezacena, Azuritana, Getulia, and part of Numidia ; and to his army he distributed by way of inheritance Zeugitana, and Africa Proconsularis. In the establishments made by the northern nations, in consideration of the lands so held, certain services were due from the soldier to his captain, and from the captain to the Prince ; and upon the strength of such tenures, in after times, the descendants of these people, and their Kings, did subsist and make their wars : but of this in another place.

What

What they thus took, or what was allotted to them as their share by compact among their followers, good Princes have always reckoned as belonging to the publick, and they always made a distinction between what they held in their private capacities, and what they held as publick persons, and heads of the commonwealth; and though in the Eastern monarchies erected by force, and which were invasions on the common rights of mankind, the Prince might account himself supreme and uncontrollable lord of the whole, and not bounded by any laws; and though these tyrants looked upon the people as no better than so many herds of cattle; yet it was not so in the Roman government as it was modelled by Augustus, and as he meant it should be transmitted to his successors; and most certainly it was otherwise in the several kingdoms erected by the Huns, Goths, and Vandals, upon the ruins of the Roman empire. All which shall manifestly appear in the series of this discourse.

Good Princes have not only made a distinction between what was their own patrimonially, as the civil law books term it, and what the state had an interest in; but many of them, as we shall shew by and by, in care of the publick, and right œconomy, have equalled the most prudent commonwealths.

And no doubt such thrift was always esteemed a point of the highest wisdom, because, the expences of war considered even in the remotest times, shattered indigent governments, and wanting princes, have been seldom known to compass great things; besides, being without money, the nerves of war, they are obnoxious to the insults and invasions of their neighbours; not but that wealthy countries have been and may be invaded, but we mean that those nations are most liable to be over-run and conquered, where the people are rich, and where,

for want of good conduct, the publick is poor. Moreover, there are infinite examples in history, of Kings, whose necessities have made taxes, too often repeated, the only fault in their reigns, and who have thereby lost the affection of their subjects.

But setting aside the dangers, foreign and domestick, that arise from profusion in what belongs to the publick, it depraves all the different ranks of men; for in profuse governments it has been ever observed that the people from bad example have grown lazy and expensive, the court has become luxurious and mercenary, and the camp insolent and seditious.

Where wasting the publick treasure has obtained in a court, all good order is banished, because he who would promote it, and be frugal for his Prince, is looked upon as a common enemy to all the rest; virtue is neglected, which raises men by leisurely steps, when vice and flattery will in a little time in a ministry who mind not what is given away, bring a man to a great estate; nor is industry cultivated, where he does his business sufficiently, who knows which way to apply, and how to beg in a lucky and critical moment: and, at such a season, many of the peoples representatives lose their integrity, when they see others running from every bench to share in the universal plunder of a nation.

Kings reduced to streights, either by their own, or by the negligence of their predecessors, have been always involved in dark and mean intrigues; they have been forced to court such as in their hearts they abhor, and to frown upon those whose abilities and virtues they secretly approve of and reverence; instead of being heads of the whole commonwealth, as in law and in reason they ought to be, they have often been compelled to put themselves in the front
some-

sometimes of one, and sometimes of another party, as they saw it prevalent: a policy in the end ever fatal to rulers. Being intangled, they have been constrained to bring into the chief administration of their affairs projectors, and inventors of new taxes, who being hateful to the people, seldom fail of bringing odium upon their master: and these little fellows, whose only skill lies that way, when they become ministers, being commonly of the lower rank of understandings, manage accordingly; for their own ignorance in matters of government, occasions more necessities than their arts of raising money are able to supply; but wanting states make use of these sorts of men, and princes often think they are well served by such, because now and then they can palliate present evils, but they do but film over a sore, which breaks out afterwards with greater rancour; whereas able statesmen would obviate the mischief in its growth, and, by wholesome counsels, restrain their master's bounty before he has nothing left to give, and before his people are weary of feeding endless expences: but one of the worst effects of poverty in a state is, that it frights such as are able to mend things, men of sublime skill, integrity and virtue, from meddling in affairs; for they well know how clamorous, slippery, and difficult the ministerial part of government proves when a nation is plunged in debts, which generally, in all times, have produced so many hurricanes, and popular storms, as have made wise men, at such a season, not desire to hold the helm; and this has fatal consequences, for then the ship is left to the guidance of giddy and unskilful pilots.

All this good Princes have ever observed; and when either the greatness of their minds, or the benignity of their nature has led them to be too

open handed, they have retreated as soon as possible from so false and dangerous a step. But lest they should be careless in a point so necessary to the common welfare, and so much for their own preservation, the wisdom of the laws has provided for their safety in this matter, which fences the Prince's revenue with divers constitutions and restrictions, all intended to preserve it from the rapine of those about him; in order to which, the polity of well near all countries has contrived that his gifts should pass and be registered in several offices, to the end that either some faithful minister should put him in mind, or that he himself should have leisure to repent of liberalities detrimental to the publick.

Not only the laws of this kingdom, but of other places, and the Roman laws, provide that the Prince should not be deceived in his grants; for he whose thoughts are employed in the weighty cares of empire, is not presumed to inspect minuter things so carefully as private persons; the laws therefore relieve him against the surprizes and machinations of deceitful men.

For his further security, the laws likewise inflict severe punishments upon those who defraud him in his stores, treasure, or revenues, counting such publick robbers more criminal than petty and common thieves.

But the laws seem chiefly levelled against those in whom he reposes the greatest trust, therefore the legislative power of all countries has rigorously animadverted upon such ministers and officers, through whose fraud, negligence or crime, his affairs have suffered any damage, of which in its proper place we shall give variety of precedents.

And when he has been exhausted by the too great munificence of his own temper, and through the false representations, and subtle contrivances of
those

those about him, and when thereby the publick has become weak, ruined, and unable to protect itself, he has been assisted by the laws, and such as have been vigilant for his safety, jealous of his honour, and careful for the common good, have thought it their duty to look into his gifts, and to resume his grants, of which we shall give divers instances and examples.

But notwithstanding the wisdom of the laws, and of law-makers, it has been always a point of the highest difficulty to keep within its proper veins this life-blood of the body politick, so prone have corrupt ministers ever been to urge princes to needless and destructive bounty, especially when they themselves are to be the largest sharers in it.

Kings are the fathers of their country, but unless they keep their own estates, they are such fathers as the sons maintain, which is against the order of nature, who makes all these cares descend, and places fostering, nourishment, and protection in the parent; but the Prince is our common father, and therefore all that tends to his safety, ease, and state, is due to him; however the less he is necessitated to depend upon his children, the more he is respected.

And Kings are not to account themselves fathers of a party only, or of none but those who rush in to the presence and whisper to them, they are fathers of the whole body of the people; they are not to reckon themselves fathers of their favourites only, as Harry the third of France did, who said, "He would grow a good husband when he had married his children the dukes of Joyeuse and Espernon:" their paternal affection is to reach to all their subjects. And as in a private family, partiality to one brother begets hatred and divisions, so in a nation it produces discontent and heartburnings to see three or four, without any superior merit, lifted high over all the
B 4 rest,

rest, enriched with the universal spoils of a country, and wallowing in luxury and wealth, while the whole people groans under heavy burthens.

Not that mankind repine that the Prince should have friends, with whom he may communicate his thoughts, and unbend his cares, nor to see such friends the better for his favours; it is warranted by examples in the best reigns: Mæcenas and Agrippa, cherished, enriched, and promoted by Augustus, were yet as dear to the rest of Rome, as they were to that wise Emperor: but they behold with indignation men exalted, who return not to the Prince reciprocal kindness, who abuse his favours, who sell his words, who by false representations, traduce all others that they may engross him to themselves; who arrogate to themselves all the good, and lay upon him the blame of unfortunate councils, who have no regard to his honor, when their own safety is in question, whose advices tender to their own private profit, without consideration of their master's or the publick welfare; who draw all lines to their own corrupted center, whose ambition is not gratified with any honors, and whose avarice is not satiated with multiplicity of employments, nor with repeated gifts and grants out of a stripped revenue, and an exhausted exchequer. It is such a sort of favourites and ministers that the people hate, and exclaim against, and whose heads they commonly reach at last.

Without any regard whether or no it be between fun and fun, if the prince is robbed the country pays it; and therefore when the hue and cry hotly pursues the robbers, governments are not to wonder: it is true, they now and then escape, especially when in their depredations upon the publick there are a great many concerned, and when they have made so large a booty, that they become safe by
the

the multitude of those who have been partakers in it (for it has been the constant course of ministers who would rob a nation with impunity, to give to all that ask, and to refuse no man who has either interest or parts; that fortified by a strong confederacy they may bear down all sort of inquisition and outbrave the laws) but very often the wants of the people, crying aloud, have awakened good patriots, and bold spirits, whom neither the power, nor the number of the offenders, could affright; and these lovers of our constitution, in many former reigns (as shall be shown in the progress of this discourse) have courageously attacked, and brought to condemnation, persons in the highest places of authority, who in breach of their trust, had presumed to procure to themselves grants of the king's lands or treasure, and who had converted to their own use, what was given and intended for the maintenance and preservation of the state.

Princes when they come to know the true state of things, are not unwilling to prevent their own ruin, which is manifest from this; that the most wise, valiant, and most heroick of our Kings (as shall likewise appear by and by) have given way to inquiries of this nature, and not thought it inconsistent with their royal dignity and honour, to resume even their own grants, when they have been represented by the whole body of their people as hurtful to the commonwealth.

In democratical governments war did commonly unite the minds of men; when they had enemies abroad they did not contend with one another at home, which produced one good effect, that then the administration of affairs was left to the best and ablest hands. They chose for their mutual strivings, for setting afoot factions and dangerous brigues, times of the profoundest peace, and at
such

such seasons men grown popular by wicked arts, ambitious pretenders, light orators, and the worst sort of citizens, had the most sway and authority among the people, which occasioned Phocion to utter these memorable words to one of this stamp, "I am at present against war, though it puts the power into my hands, and though such turbulent and naughty spirits as you are, govern all things in times of peace." But notwithstanding it has thus happened in some commonwealths, it has proved otherwise in mixed governments, where the several parts of the constitution have their distinct powers, rights and privileges: and particularly in this kingdom it has been seen that mens minds have been most disunited, when there was the greatest need of concord. Among us heretofore foreign wars, instead of allaying factions for the present, have set them in a higher flame, and, contrary to ancient prudence, when we wanted the best, the worst men have got to be at the head of business: all which did chiefly proceed from the necessities to which our Princes were reduced by their expeditions abroad: for war occasions taxes, taxes bring want, want produces discontent, and the discontents of the people were ever the best materials for designing and ambitious men to work upon; when the people is grieved and fullen, parties are easily formed; when parties are formed, at first they let themselves be advised and ruled by such as have true publick zeal and virtue, but of those they grow quickly weary, and then they fall into the hands of such as only make a false profession of it, and in a little time they are entirely directed by persons, whose sole drift is to build their own fortunes upon the ruins of their country; in the mean while the strength and number of their party makes these leading men powerful, and gives them such weight,

that

that they must be courted, preferred and bought; often they must have one half to procure the other; and so considerable do they grow, that if they are suffered, they presently invade all offices and employments, in which when they are securely planted, they likewise give to one another all the lands and revenues of the state: and our histories shew, that in former times, Princes reduced to streights by war, have been forced to wink at this, and to permit these busy men, then thought necessary, to do all, engross all, rob the publick, share the crown lands, and in short, to commit what other waste they please. Thus as in commonwealths the worst men are most powerful in times of peace, under regal governments they are strongest and ablest to do hurt in times of war: but whereas in commonwealths peace has brought fundry mischiefs, in the government by Kings, it often produces good order, and better administration; for several of our Princes, whose necessities compelled them to endure the rapine of their ministers in time of war, have in times of peace, divested those publick robbers of their unlawful and outrageous plunder.

We have now upon the throne a King willing and able to correct the abuses of the age, willing from the wisdom of his mind, and the goodness of his temper, able from that power and strong interest which his courage and his other numberless virtues have procured him in the hearts and affections of his people. Men readily obey and follow him whom they reverence, for which reason some philosophers have placed the original of power in admiration, either of surpassing form, great valour, or superior understanding; heroick Kings, whose high perfections have made them awful to their subjects, can struggle with, and subdue the corruption of the times; a Hercules can cleanse the Augean

Augean stable of the filth which had not been swept away in thirty years. Princes whom their effeminacy, weakness, or levity have rendered contemptible, may fear idols of their own making, and stand in awe of men become terrible, only by greatness derived from them. They may be afraid to pull down ministers, and favorites, grown formidable by the united councils of their faction, by the number of their followers, and strength of their adherents, and so let male-administration proceed on, as thinking it too big to be amended; but magnanimous Kings, who have the people of their side, need entertain no such thoughts and apprehensions: they know that these top-heavy buildings, reared up to an invidious height, and which have no solid foundation in merit, are in a moment blown down by the breath of Kings. Good persons indeed, grown great and popular from the fame of their real worth and virtues, may perhaps be dreadful to bad rulers; but bad men, let them have never so much seeming greatness, and power, are very rarely dangerous to good Princes.

The cabals of a party, the intrigues of a court, nor the difficulties some may pretend to bring upon his affairs, never terrify a wise and stout King, bent to reform the state, who has the love of his people, and whose interest is one and the same with theirs. We have never yet heard of a tumult raised to rescue a minister whom his master desired to bring to a fair account; on the contrary, to see upstarts, and worthless men, enriched with spoils of a country, has been the occasion of many popular seditions, which wise Kings have appeased by a just and timely sacrifice.

None are so able to mend what is amiss in a state, as Kings who enjoy their crown from the subjects gift; may be it has been sometimes thought harsh in those

those who were born in purple to look into abuses with a stricter eye than their predecessors; but elected Kings are presumed to come upon the foot of reformation, and so are justified, by the voices of all mankind, in pursuing the ends for which they were called by the people; if therefore such Kings are severe in looking into their accounts, if they are frugal of the publick money, if they examine into the corruption of their officers, if they enquire into the sudden and exorbitant wealth of those who have had the handling of their treasure, if they rigorously punish such as in breach of their trust, and contrary to their oaths, have converted to their own use what belongs to the state, if they abandon and resign into the hands of justice such as have robbed them and the publick, if they resume what has been obtained fraudulently, by surprise and upon wrong suggestions, and if they take back what was too great to give, and much too great to be asked, it is with the universal applause of the people whom this care relieves from frequent and heavy taxes.

There is no good which may not be expected from the wisdom and resolution of the Prince who now fills the throne: when he came over hither he found many of the chief rank and figure overwhelmed in publick and private vices, and in a country so corrupted, it was difficult to have a virtuous court. They who should have helped him to mend things, were readier to promote the disorders by which they might thrive, than to set a-foot a frugality, under which they could not so well do their own business: if they had preached up thrift as necessary to carry on a long and expensive war, with what face could such a great man have begged such a parcel of the crown lands, one a vast sum of money, another this forfeited estate, one
so

so much timber out of the forest, his friend such a reversion, his friend's friend such a large pension? and if they had held the purse close shut up to others, they must have blushed when they were begging so much for themselves.

All these disorders are to be attributed to the corruptions of the times, and to the necessities thereby introduced, when parties were to be gratified, when turbulent spirits, who could obstruct affairs, were to be quieted, and when too many expected to be paid for preserving themselves, and their own country, from a foreign enemy; insomuch that when our story comes to be read hereafter, posterity will wonder (where the subjects were so craving at court, and in another place) how the Prince could save, from such a number of spoilers, wherewithal to carry on his wars abroad.

The King's admirable conduct has waded through all these difficulties, he has given us a peace when the continuance of the war was desired by too many at home, as better conducing to their dark designs. At his first coming over he saved that religion which our mean compliance under former Princes had put in danger. His prudence kept for ten years a people, divided among themselves, united against the common enemy. All the misfortunes in his reign have been the result of our proper corruptions, all the good the effects of his own wisdom, and his virtues will at last bear down, and master all our vices.

He first formed that league which has preserved the liberties of Europe; he has with a confederate army managed a long war, and brought it to a good conclusion, of which there are but few examples in history; for though the beginnings of confederacies have been always vigorous, and successful, their progress has been generally feeble, and
event

event unfortunate. By his interest and power he has made a King of Poland, an Elector of Cologne, and erected a ninth electorate in the empire. He has restored the Duke of Lorraine, and taken the bridle off from the heads of the Italian princes, by having been the cause that Casal and Pignerol were demolished. He has procured advantageous terms for all his allies. He has caused fortified towns and large provinces to be restored, which had been conquered long before. He forced his potent neighbour to make the first advances towards a peace, which is more than wise men, when the war began, could promise to themselves in their most sanguine hopes. He made himself be fought to when his enemies prospered, and when the confederate affairs declined. All which are manifest proofs that he is as great in the cabinet as in the field.

And to crown all his glories, by one act he has shown his goodness to human kind, and given a demonstration that he never desired power but for the benefit of others: his so cheerfully disbanding the army at the request of his parliament, is a proof beyond all contradiction, that he both loves and trusts his subjects, and that his noble mind, conscious of no ill, is apprehensive of no danger.

While tyrants, who inflave their country, are afraid, though invironed with numerous troops, he knew himself to be sufficiently guarded by the affections of his people: many Princes who have taken up arms to relieve an oppressed nation have made it appear, in the course of their proceedings, that they were incited to it by some ambitious ends, and not alone moved by a true desire of that fame which follows virtuous deeds, and the people they came to redeem have afterwards found that they did no more than change one bad ruler for another; but this heroick King has followed the pattern of
Timoleon

Timoleon the Corinthian, who not only rescued the Sicilians from tyranny, but likewise left them in full possession of their freedoms: he has squared his actions by those of T. Quintius Flaminius, who when he had subdued the Macedonians, and reduced King Philip to terms of peace, erected an eternal trophy to his future renown, when he pronounced by the voice of a herald, "That Greece should thenceforward be exempt from taxes, impositions, and garrisons, and free to govern itself by its own laws." The same liberties did the King in effect proclaim for ever to all England, when he delivered us from the expences, and (which lay more heavily upon us) from the terror of a standing army.

His happy reign has not only freed our persons, but likewise set our minds at liberty, which had for many years been inflaved by wrong principles of unlimited obedience due to the unlimited exercise of power: notions with which the schools had poisoned our youth, and which only served to draw the Prince to govern amiss, but proved no security to him, when the people were grown weary of ill government. The late revolution, justified by its necessity, and the good it has produced, will be a lasting answer to all that foolish doctrine; so that, with the other blessings of this King's accession to the throne, the very precedent is not to be accounted among the least: inasmuch that what we did at that time, not only freed us then, but has set liberty itself upon a better foot, and cured us of those blind errors, and dark mists, which our own luxuries, and the craft of courtiers, had brought upon our understanding.

A Prince thus adorned, feared for his courage, admired for his wisdom, and beloved for the good he has done his people, must certainly be able to surmount the greatest difficulties. It is not a baffled

fled and disheartened party, lingering may be after their former bondage, can give him any opposition. Much less need he apprehend the mercenary and inconstant crew of the hunters after preferment, whose designs are always seen through, who are despised as soon as known, and who only lead one another.

But a King who would reform the state for the general ease and benefit of his people, must expect to meet with some difficulties, especially if a great many of those about him are partakers in the abuses he will correct: all sort of rubs will be laid in the way, and the fears of such as may be called to an account will make them set all kind of engines at work.

First they will put a high value upon their own deserts, and arrogate to themselves the single merit of the many millions which the whole nation has both freely paid and granted: they will produce precedents of other ages, and shew long lists and grants obtained under former reigns; but, at the same time, they will take care not to mention how such proceedings have been always resented, and often punished in this kingdom.

They will endeavour to blast the reputation of such as would inquire into their actions; and though perhaps there are no other possible ways and means left to supply the state, but by making them disgorge, and but by bringing them to a restitution, yet they will pretend that all motions leading thereunto, all inquiries of this nature, are nothing but the effects of discontent, and the result of faction.

And because, in all their doings and councils, they have never had any view but their own private profit, they will do their best to persuade the world that no man acts upon principle, that all is swayed by particular malice, and that there is not left in

the kingdom any party of men which consult the public good.

They who are conscious of their guilt, and apprehensive that the justice of the nation should take notice of their theft and rapine, will try to give all things a false turn, and to fill every place with false suggestions: sometimes they will accuse innocent persons, that so, by putting the people upon a wrong scent, they may avoid the pursuers, and escape unpunished: at other seasons they will boast of the number of their friends and adherents, thinking to awe both the court and country with an opinion that their party is too strong and too powerful to be resisted.

And, that the knowledge of their crimes may never reach the prince's ear, they will endeavour to engross him to themselves, by misrepresenting all others that are not of their cabal, either as disaffected to his person, or as enemies to kingly government. Thus they did heretofore; and though there were truly but two parties in England, consisting of those who would promote male-administration, because they got by it, and of those who desired things might be well governed, that they, and such as they represented might be eased; which two sides were heretofore distinguished by the names of court and country party; to which likewise they could have put an end, whenever they had pleased to have ministered less occasion of complaint; yet they will revive old names of distinction, giving odious appellations to the best patriots, pretending there are dangerous factions formed, so to frighten the world with phantoms of their own creation. These false turns they will give, and these wrong suggestions they will make, in order to drive all power into what they call their own party, as if any prince could be safe that should rely upon so narrow and rotten a bottom.

And

And when their actions shall hereafter come to be examined in that place to which our constitution has intrusted the inquiry into, and the punishment of such offences, it is probable that up will rise some arrogant man more zealous for himself than for his master, and cry, “ All that we have given
“ among one another we have deserved by our services, and labours in the state ; what projects
“ have we not set afoot, and what sums have we not
“ procured ? Did not the ministers in King Charles’s
“ reign give away the crown lands ? Recal those
“ grants, and we are ready to surrender ours ; resume all or none : it is next to demonstration that
“ these clamours arise from a discontented party,
“ who would disturb the government ; they who
“ look into our proceedings act out of malice, because of the great things we have done against
“ France ; what if such a one got a hundred thousand pounds at once, did he not save the nation ?
“ If we are used thus, what encouragement will there be to serve princes ; for my part I will never
“ meddle more in your business ; all this tends to
“ lessen the monarchy, invade the prerogative, and
“ to set up a doge of Venice. I, Sir,” (perhaps there may be added) “ and the majority are of this opinion.” By this high bearing, and these false suggestions, heretofore, well meaning persons have been frightened from reaching at great offenders, and even the best patriots, by seeing with what warmth and zeal the smallest corruptions are defended, have been wearied into silence ; and this has made some of our Kings believe that either the offenders were grown above the laws, or that the people consented to those things which they did not think fit to punish : but wise princes see through all this ; they know that an honest and faithful minister will be contented with moderate favours ; that very often
C 2 nothing

nothing but the ill contrivance of the aid belongs to those he employs, and that the gifts come from the free affections of the subject; that patterns to rule by are to be sought for out of good, not loose reigns; that inspections which look too far backward produce nothing; that a few may complain without reason, but that there is occasion for redress when the cry is universal; that no military action, or other merit, can give a man a just title to rob the publick; that even good ministers are thought no more on when they are out, and that certainly bad ones may retire without being missed; that absolute power is not a plant that will grow in this soil, and that statesmen who have attempted to cultivate it here have pulled on their own, and their masters ruin. A wise Prince likewise does not care to see corrupt officers so earnest to save one another, for it is always at his cost; nor does he like that his ministers when attacked, should be able to protect themselves in their crimes by the power of a faction; for they who are strong enough to bear down the law, may presume, in time, to think they subsist by their proper strength, and that they stand upon their own legs, and so come at last to slight his authority.

Bad men have ever given a false colour to their proceedings, and covered their ambition, corruption, and rapine with the pretence of their master's service; they make him believe their greatness advances him, whereas truly it tends to his diminution, and he is often weak for want of that wealth and power which they share among one another. Their riches have frequently brought envy upon the prince, but we can hardly meet with an instance of any who in his distress has been assisted from the purses of his ministers, for they are commonly the first who fly from his misfortunes: and though they pretend

pretend that his power is revered in them, and that they make him strong by the benefits he lets them bestow, yet a wise King sees through all this artifice, and knows, that he who would reap any advantage from his favours in the opinions of men, must make them sensible that they owe them singly to his goodness, and not to the intercession of those about him.

But of all the false suggestions made by those who have arrived at a great power by wicked arts, none have proved so dangerous as these, which, in former reigns, have been frequently insinuated in the cabinet. “ Sir, we are your only friends, stick by us
 “ and we will stick by you. Our measures are dis-
 “ pleasing to the people ; so were those of former
 “ ministers. A few well united, and in one bottom,
 “ have guided this nation, and with hard reins, as
 “ witness the times of Cromwel. Mind not the
 “ qualifications of any man for this or that office
 “ in the state. Is he with us? If he be hearty it ought
 “ to cover all other defects. Turn out, and dis-
 “ countenance such as are not intirely with us in
 “ all our councils. Make your court of a piece.
 “ Let none presume to be directed by his own con-
 “ science, or reason ; ought they to be in your ser-
 “ vice who dare think your ministers can be in the
 “ wrong? Why do such and such great men refuse
 “ such and such employments, is it not plainly out of
 “ disaffection to the present government, or that they
 “ like popularity better than any favours you can
 “ bestow upon them? Many are infected with
 “ republican principles, and several have an eye
 “ towards the other side of the water. Have not
 “ other hands been tryed and found resty ; but we
 “ stick at nothing. The other party has been made
 “ use of, but it was thought fit to lay them aside
 “ It is indeed pretended that with them is the in-

“tegrity, the good opinion of the nation, the sub-
 “stance, learning, parts, knowledge, and experi-
 “ence in affairs; however we are more diligent, and
 “better united. But does not there lye a kind of
 “necessity upon you to make use of us, and of us
 “only? does the other side make any offers to come
 “in? Loaded as they say we are with the publick
 “hatred, and though we may be thought unfit to
 “carry on your business, yet it is better joining
 “with us than to stand alone. Is not the other
 “side cold and reserved, and do not the best men
 “among them refuse to meddle in the administra-
 “tion?” With such like false whispers, in former
 reigns, the ears of princes have been poisoned, and
 by these pretended friends they were induced to
 purge, as they call it, untill the body politick was
 quite exhausted of all its good spirits: Such a one,
 who had done a thousand faithful services, must be
 laid aside, because his just fears would not permit
 him to give into the last bad measures. This man
 was against me; we suspect such another; some are
 too cautious, some too discerning, others left us in
 such an important vote; and they grow to that pre-
 sumption, by degrees, as to advise that a whole
 party should be frowned upon, depressed, and ut-
 terly trodden down; and thus they lop, and lop,
 on this and that hand, cutting away the tall, sound,
 and substantial timber that used to shelter them from
 the winds, till, in the end, they leave the govern-
 ment a trunk naked, defenceless, and obnoxious to
 every storm; but when they proceed so far as to
 get the prince to declare openly for one, and against
 the other side, they lay the ax to its very root.

Some Kings have thought it politick to nourish
 factions in their court, but then they preserved
 themselves neuter, and so made both sides subser-
 vient to their designs, and even this has been rather
 esteemed

esteemed subtilty than wisdom; but no Prince, that could help it, did ever let faction grow national; however, if it was out of his power to prevent this mischief, it was never thought prudent in him to list himself on either side; and Henry the third of France is a memorable instance, how fatal it is for the sovereign to become the head of any party.

Partiality is the little weakness of private men, and unbecoming the greatness of a prince, whose favour should shine upon the whole body of his people, as the sun sheds his benign influence upon the universal face of nature, not warming one part of the globe only; if it can be compassed, he should quite root out faction, but if the disease be too inveterate to be cured, without doubt it is a point of the highest wisdom for him to bear himself evenly between both, so that neither side may despair of favour, or at least so carry it that both sides may remain in full assurance to find equal justice. Nor is it impossible to contrive matters so as to beget an emulation in parties which may produce good effects, that is, by wise governing it may be so ordered, that both sides shall be at strife, not which shall flatter most, but which shall do the Prince and publick the most honest, and the most faithful service; and this is done, when, without any regard under what banners, in a divided country, men have listed themselves, those persons are pitched upon for the ministerial part of government, who are most remarkable for their capacity, experience, integrity, and knowledge in affairs; and a Prince who makes such a choice of ministers, will soon beget a virtuous emulation between the factions, and set both sides upon striving which shall serve most cheaply, with the fewest selfish designs, and which shall handle his, and the nation's money, with the cleanest hands: but when by the favour of those that rule, one side

is become much superior to the other, this virtuous emulation ceases, and both sides contend, only to put one another in the wrong, each side obstructing what the other moves, let it be never so much for the publick good: but when the mischief is grown to such a height, that being of a party, is to be the principal, if not the only recommendation, then the hottest men, who are generally the worst, and corruptest members of it, are sure to have the most power; and when the administration is in their hands they proceed without controul, for the side which should oppose them is discountenanced, frowned upon, out of credit, and discouraged from inquiring, because their inquiries are blackened and misrepresented; and when all this happens, they who have the power, rob the Prince, waste his treasure, and run him into immense debts: thus Kings heretofore who shewed themselves partial to a party, had the service only of the worst part of their people, and their reigns were commonly anxious and unquiet, because when engaged with a side, they were often forced, against the nature of their office, to protect the bad against the good, and even to defend the male-administration by which they suffered.

They who were for engrossing the Prince to themselves, and who endeavoured to make him suspect all others, gave their pernicious advice this false turn, that because many great men retired, and because neither they, nor such as were called of their party, shewed any inclination to meddle in business, it must be that they meditated something else, and bore ill will towards the present government. Indeed, the ambition of mankind considered, it was a wonder, in former reigns, to see persons, the most conspicuous for understanding, deep reach and experience, employ their time with their books in making gardens, or in building, and that they should

should not rather seek those dignities, to which their birth and superior abilities did in a manner give them a just right. Why did they let the chief offices of the state be polluted by mean hands? why did they suffer others to ruin that country which was in their power to save? and why all this philosophy in so light and busy times? why has there been now and then a kind of a press issued out for ministers, so that as it were the vagabonds and loiterers were taken in? why have some men been condoled by their friends for having been drawn in to take a great place, and why have others been universally congratulated when turned out, though with marks of displeasure? When all this happened it could not be without a reason, there must have been some strong inducements that should move the prime persons of a nation to shun employments attended with power and profit. No doubt, in former reigns, it was because they did not like the administration of affairs, nor the persons with whom they were to be joyned; because they perceived dark designs carryed on against our liberties, and that they were not willing to mix in desperate councils, nor to participate in the blame of what they should not be able to hinder; because they saw the prince robbed by those about him, his crown lands all shared and given away, and his treasure wasted, and because they saw things done that would bear no inquiry, and that could never be justified before the people.

They knew that our laws put little difference between a minister who contracts actual guilt himself, and him who permits others to commit a crime, which by the authority of his office he might have prevented; therefore when bad things were in agitation, and when destructive advices were promoted, some have refused employments, others have laid down white staves, the secretaries seals, the privy seal,

seal, the great seal, and other offices of high trust, rather than act against their master's true interest, and the constitution of their country. And for these reasons, in former reigns, the ablest and greatest persons in the nation, and sometimes whole parties of men, have refused to meddle in the employments and business of the state.

But when these errors may be corrected, which a few commit at the expence of the whole kingdom, when things will bear a right administration, when the nation's money may be frugally managed, when the thefts upon the public can be looked into and punished, when those servants may be called to an account who have broken their trust, and in their offices consented to the plunder of their master, when true order is promoted, when that thrift can be set afoot which will ease the people in their taxes, when the pleasant work of doing good is to be performed, and when they have not before their eyes the frightful and heavy task of supporting ill conduct, all persons will embrace the government, all parties will chearfully come in, and the best men will be the most eager to assist the state, with their purses, councils, endeavours, and affections.

And thus we hope to have fully answered their arguments who would deter a Prince from looking into their corruptions, by making him believe, that thereby he will injure his only friends, and who would narrow his interest by confining his favours to their party.

A King never wants assistance who will look into abuses, and their faction whose interest it is to protect male-administration, will be found very weak when he is earnest to have what has been amiss amended, because but a few are gainers by misgovernment, and a multitude are injured by it.

But as all seasons are not proper for physick, so all times are not fit for purging the body politick ;
times

times of action and war are not so convenient for such councils as tend to correct abuses in the state. Perhaps during the late war, some things may have been done in England, which the King, in his high wisdom, may think necessary to animadvert upon now when he is at leisure from his business in the field; and no doubt when he goes upon so good a work, he will be assisted by all the best men of all parties, and by the whole body of his people.

The writer of these papers has constantly endeavoured to make his studies tend to the service of the publick, and his aim has been to incite in young gentlemen a desire of being acquainted with the business of the nation, and this knowledge lying under abundance of rubbish, his scope has been to remove this rubbish, and to dress up crabbed matters as agreeably as he can, and to give, as it were, short maps of things which others will not take the pains to travel through themselves: In order to which he has devoted his hours of leisure to inquiries into the trade and revenues of this kingdom; and not serving his country in an active life, he hopes to make his solitude and contemplation of some use, so as to shew himself not altogether an unprofitable member of the commonwealth.

And the parliament having last sessions “constituted commissioners for inquiring into and taking an account of all such estates, both real and personal, within the kingdom of Ireland, which have been forfeited for high treason by any person or persons whatever, during the late rebellion within that kingdom.” And the house of commons (as appears by their printed votes) having directed that the grants of the crown revenue in England should be laid before them; and it being notorious that almost all the land remaining in the crown of England at the revolution, and that much
the

the largest share of the late forfeited estates in Ireland, are now got into private hands: and the people at this time lying under a great variety of new taxes, and the necessities of the state being very pressing, and the publick lying under many heavy engagements, and the honor of the nation being in a manner at stake to make good several deficiencies, all ways and means of raising money being likewise difficult to the last degree, it appearing also reasonable to consult the land interest, and at last to give the landed gentlemen some ease, who have born the chief burthen of the war; and no fund being large enough to come in the room, and place of land, except the late forfeitures in Ireland; and all men thinking it but just and fair that the war in Ireland should pay some part of its expence, our debts likewise being so immense, that every thing should be looked into, and all possible thrift thought upon, mankind also abhorring to behold a few enriched with the spoils of a whole country, and to see private persons accumulating to themselves vast wealth in this poverty of the publick, and the universal voice of the people seeming to call for some kind of resumption; the writer of these papers thought it might not be unseasonable to publish a discourse upon Grants, in handling of which subject he purposes to take the following method.

1st. He will show how the greatness of the Romans took its rise from the thrift that was shown in all matters relating to the publick, that this wise nation made almost every foreign expedition bear its own charge, that the best of their Emperors were the most frugal, that such Emperors did not look upon the treasure and revenues of the state to be their own, and absolutely at their disposal, but always thought that the publick, and the commonwealth, had an interest in it; that when

the

the treasure and revenues of the state were exhausted by prodigality, it made way for the invasions of the northern people, and at last produced the utter ruin of the empire. This will be the subject of the 2d section.

In the 3d section he will show how careful our ancestors in England were at the forming this constitution, to make ample provision for maintaining the King's crown and dignity, and that when those lands and revenues had been parted with, which were allotted for his, and the state's service, parliaments have seldom failed to relieve, and restore his affairs by acts of resumption.

In the 4th section he will show how our ancestors have handled such ministers of state, as in breach of their trust, did presume to procure to themselves grants of the King's lands, and how both this nation and other countries have proceeded with those who did embezzle, or convert to their own use the revenues of the Prince.

In the 5th section he will state the present deficiencies in diverse funds, and offer several reasons why the forfeited estates in Ireland ought to be applied towards payment of the publick debts.

SECTION II.

Observations upon the management of the Romans in their publick revenues.

IT may not be amiss to give the prospect of a vast empire, raised to its greatness by wisdom and frugality, and ruined by profusion and ill conduct: the only use of history being, to give us good rules, by which we should square our own actions, and to mark out the shelves, and rocks, upon which other governments have split, that thereby we may learn to steer our own course better, and to avoid the like dangers.

* Valerius Publicola was the first who ordered that the revenue accruing to the commonwealth should be laid up in the Temple of Saturn, perhaps that the reverence of the place might make it be held the more sacred. They lodged there two sorts of treasure, the one in daily use, consisting of tributes and ordinary payments, the other was called the “† aurum veceffimarum,” which was not to be touched but in cases of the last necessity. It is true, for some ages the publick had but little occasion for money, because, till the siege of Veies, which was about 350 years after the foundation of the city, their soldiers had no stipend. However to have a reserve, which might answer any great emergency, well suited with the foresight and wisdom of that people. As their empire grew, and as they entertained thoughts of enlarging their dominion by distant conquests, they became more solicitous to

* Macrob. l. 1. Saturnal. c. 6.

† Tit. Liv. l. 27.

gather such a stock as might uphold the state in times both of war and peace, without burthening the Plebeians (a matter by them ever carefully avoided) in which they were very much assisted by the virtue of those to whom they intrusted the command of their armies, of which for a long time every one behaved himself like a faithful steward to the commonwealth, accounting exactly for such spoils as were made upon their enemies. To the common treasury were brought the riches of Carthage, Sicily, of the cities of Asia, of the kingdom of Macedonia, and of the other conquered provinces of Greece. Their generals, as well as their statesmen, did not think of building up fortunes to themselves, but of enriching the commonwealth: and till some few years after the last Punick war, we hardly read of any one who grew wealthy by the plunder of provinces. In the following age, indeed, several began to convert to their own use part of the spoils gotten abroad, but they were men that hatched wicked designs against their country, and who thought private wealth an engine very needful for such as purposed to overthrow publick liberty; of which number were Marius, Sylla, Pompey, and Cæsar: among these robbers of the world Lucullus may be reckoned, who perhaps had the same intention as the rest of enslaving Rome, but it is probable the mutiny he found among his soldiers after his famous victories, and wonderful conduct, made him out of love with action, so that he employed in a quiet life, joyned with excessive luxury, what the others made subservient chiefly to their ambition: Not but that his riotous pomp had in its example effects very dangerous to liberty, since it is a necessary ground for all free governments, that as well the manner of living, as the estates of the citizens, should bear some sort of equality. However, though
these

these men minded their own concerns more than became good patriots, yet all of them enriched their country, and the vast sums of gold and silver brought into the common treasury, made a principal part of their triumphs.

Besides, they who had the management of affairs took care that every war should at least maintain itself; which they did by laying a tribute upon the conquered nation. Fabritius having overcome the Lucani, Brutii, and the Samnites, “* Militem ditavit & quadringenta talenta in ærarium retulit,” whose example † Julianus proposed to himself and foldiers. Scipio in his treaty of peace with the Carthaginians, obliged them to the payment of ten thousand talents in fifty years; “‡ Decem M talentum argenti descripta pensionibus æquis in annos L solverent;” over and above which “argenti tulit in ærarium pondocentum millia XXXIII.” And in the treaty between T. Quintius Flaminius and K. Philip, one article was, “|| Mille talentum daret populo Romano: dimidium presens, dimidium pensionibus decem annorum.” Nor did Spain afford an ill crop, from one part of which Cornelius Lentulus brought “§ Auri mille & quingenta pondo quindecim, argenti viginti millia, signati denarios triginta quatuor millia, & quingentos quinquaginta:” And from the other part, L. Stertinius “quinquaginta millia pondo argenti.” And from whence not long after Helvius brought “¶ Argenti infecti quatuordecim millia pondo septingenta triginta duo: & signati bigatorum XVII millia XXIII. & oscensis argenti CXX millia CCCXXXVIII.” And Q. Minutius within two months after, “‡ argenti pondo triginta quatuor

* Dionisi Fragm. lib. 6. † Ammian. l. 24. ‡ Tit. Liv. l. 30. || Tit. Liv. l. 33. § Ibid. ¶ Tit. Liv. l. 34. † Ibid. “ millia

“ millia octingenta: bigatorum LXXVIII millia,
 “ & oscensis argenti CCLXXVIII millia.” For
 which reason Porcius Cato, who was at the same
 time in Spain, sent back the purveyors who came
 from Rome to provide corn for the army, with this
 memorable saying, “ bellum seipsum alet.” The same
 T. Quintius Flaminius, when he made peace with
 Nabis tyrant of Sparta, obliged him to pay “ * ta-
 “ lenta centum argenti in præsentia, & quinquaginta
 “ talenta in singulos annos per annos octo.” Por-
 cius Cato, when he triumphed for the conquest
 of Spain, lodged in the publick treasury “ † argenti
 “ infecti XXV millia pondo, bigati centum viginti
 “ tria millia, oscensis quingenta quadraginta: auri
 “ pondo mille quadringenta.” T. Quintius Flami-
 nius, when he triumphed for the victories in Greece,
 brought home “ ‡ infecti argenti decem & octo
 “ millia pondo, & ducenta LXX facti & auri pondo
 “ tria millia septinginta quatuordecim,” besides an
 infinite mass of other treasure. The conditions
 proposed by Scipio Africanus to the ambassadors
 from King Antiochus, and which were afterwards
 accepted with very little alteration, were “ || pro
 “ impensis deinde in bellum factis quindecim millia
 “ talentum euboicorum dabit. Quingenta prae-
 “ sentia, duo millia & quingenta, cum senatus
 “ populusque Romanus, pacem comprobaverint,
 “ mille talentum per XII annos.” Lucius Scipio
 when he triumphed for the conquest of Asia brought
 home “ § argenti pondo CXXXVII millia; &
 CCCCXX,” besides plate, and gold and silver coined.
 Cn. Manlius when he triumphed for his victories in
 Gallo-Græcia, besides other wealth brought home
 “ ¶ argenti pondo CCXX millia, auri pondo

* Tit. Liv. l. 34.

† Ibid.

‡ Ibid.

|| Ibid. l. 37, 38.

§ Tit. Liv. l. 37.

¶ Tit. Liv. l. 39.

“MMCIIL.” And it is observed that when Æmilius Paulus had subdued K. Perseus, * he lodged in the publick treasury such a mass of wealth, that there was no need of raising any kind of taxes till the consulship of Hirtius and Panfa. Sylla after the two battles with Archelaus the lieutenant of Mithridates near Chæronea and Orchomenus, laid a fine upon Asia Minor of † 20,000 talents, which answers to near 4 millions of our money. Cato ‡ Uticensis brought from Cyprus 7000 talents (above 1,300,000 pounds of our money) which he made by the sale of the jewels, plate, householdstuff, and other riches, of the Ptolemy who poisoned himself in that island; and the exactness with which Cato proceeded in that commission, is a noble pattern for such to follow, as will handle matters of government with integrity and virtue.

The design of these papers being to stir up in the minds of young men zeal to their country, and a love to publick honour, we thought it not amiss to lay before them these examples of antient thrift and œconomy, by which Rome was enabled to manage so many, and so expensive wars: from whence may be very well inferred, that this commonwealth had never reached to so high a pitch of greatness, if their commanders abroad had been permitted, without any account, to convert to their own use the whole spoil; or if at home, the consuls, prætors, ædiles, or (which is yet worse) if the quæstors, or treasurers, had been allowed to procure grants to themselves, from the senate, of such lands, as from time to time accrued to the state by right of conquest. On the contrary, had this sort of negligent and foul conduct been suffered in their affairs, that ruin must have happened long before, which came upon them as soon as they grew corrupted.

* Plut. Vit. Paul. Æmil.

† Plut. Vit. Syllæ.

‡ Plut. Vit. Cato Uticen.

No empire was ever great and strong enough to carry on long wars without any other fund but its own revenues, and those nations which have attempted it have been quickly exhausted ; for a tedious course of high taxes raised to maintain armies abroad, will as much impoverish the invaders, as the excursions and depredations of a sudden war destroy the invaded ; and where matters are not so wisely ordered, as that the invaded are compelled to pay the largest part of the reckoning, the conquerors will, in no long tract of time, be brought to as bad a condition as the conquered people.

The Romans took their measures better ; they made very few barren expeditions ; and though dominion and glory might be their principal aim, yet it is evident they had something else in view, or at least that they generally took care to be paid their expenses, which they brought about sundry ways ; from some vanquished nations they took part of their territory, sending thither colonies of their own, by which, at one and the same time, they disburthened themselves of a great many indigent people, and planted so many strong garrisons to secure their conquests. Other countries they reduced to provinces, taking to themselves part of the tributes which the natives before paid to their tyrants. To other places they allotted the payment of a certain quantity of corn, from others they required the furnishing of ships of war, and ships of burthen :
* Sylla compelled Mithridates at their interview in Troas, to deliver to him 70 gallies with all their trim. They took either arms, ships, soldiers, mariners, or provisions, from well nigh all the nations that were honoured with the title of allies and friends to the people of Rome, who were no better than tributaries under a softer name.

* Plut. Vit. Syllæ.

By these courses, as they enlarged their empire, they increased the publick revenues. * Pompey by his victories brought the ordinary income of the state from what before answered to about 1,250,000 l. of our money, to 2,250,000 l. per ann. which was yet farther augmented afterwards, when the Gauls and Egypt became provinces of Rome.

The money locked up in the temple of Saturn was rarely touched; we do not find any considerable sum drawn from thence till Hannibal had been in Italy 10 years, about which time twelve of the 30 Latin colonies refusing to give any assistance to the commonwealth, in this danger, “ † Cætera expedientibus quæ ad bellum opus erant consulibus, aurum viceffimarium, quod in sanctiore ærario ad ultimos casus servaretur, promi placuit prompta ad quatuor millia pondo auri.” But when Cæsar invaded the liberties of his country, this sacred treasury was ransacked. Appian Alexandrian says, “ ‡ intactas ad id temporis pecunias abstulit.” Florus says, speaking of this action, “ § nec Pompeius ab Italia quam senatus ab urbe fugatur prior, quam pœne vacuum mætu Cæsari ingressus consulem seipse facit, ærarium quoque sanctum, quia tardius aperiebant tribuni, jussit effringi, censumque & patrimonium populi Romani antea rapuit, quam imperium.” Some pretend to tell the exact sum which he drew from thence, Freculph. Luxoviens says thus, “ & Cæsar Romam venit negatamque sibi ex ærario pecuniam fractis foribus invasit protulitque ex eo auri pondo quatuor millia centum triginta & sex, argenti pondo nongenta millia.”

The ordinary revenue of the empire arising from the colonies and provinces, was likewise without

* Plut. Vit. Pomp. † Tit. Liv. l. 27. ‡ Bell. Civ. l. 2.
§ L. Florus, l. 4. c. 2. § Tom. 1. Chron. l. 7. c. 8.

doubt very much impaired by the civil wars between Cæsar and Pompey, and between Cæsar and Pompey's sons, as also by the civil wars which Augustus maintained with Brutus and Cassius: and certainly the provinces were enough harrassed when they were divided between Augustus and Marc Anthony (whose luxury alone was sufficient to impoverish many rich nations) and the ruin of these miserable people was yet more increased when Augustus and Anthony, in a long civil war, contended for the dominion of the whole; but when he began to reign alone (which he did 44 years) and as soon as he entertained thoughts of transmitting the empire to his family, he set himself to put the revenue in order, and to enrich the publick, as other great men had done before him. But bearing, as he did, a great mind, his principal care was to embellish the city with magnificent buildings, “* urbem neque pro majestate imperii
“ ornata & inundationibus incendiisque obnoxiam
“ excoluit adeo, ut jure sit gloriatus, marmoream
“ se relinquere quam lateritiam accepisset.” However, he did not neglect to gather treasure, of which the money Tiberius left behind him is a manifest proof, for Tiberius himself, among his other vices, was not covetous, “fatis firmus ut sæpe memoravi
“ adversum pecuniam.” It is true, a great estate did now and then tempt him to cruelty, but this happened rarely, and yet at his death there was treasured up a prodigious sum, “† vicies ac septies
“ millies HS.” which reduced to our money makes 21,093,750 l. A wealth even in this age perhaps not to be equalled by any of the Eastern Kings, all which his successor Caligula squandered away in less than a year, “‡ non toto vertente anno absumpsit.” Tiberius was a wary man, and no waster, but it

* Suet. D. Oct. Aug.

† Tacit. l. 3. An.

‡ Suet. Calig.

seems very probable that this immense sum was chiefly gathered together under the long and peaceful reign of Augustus, who had one quality that never fails to make a Prince rich, which was that he looked after the publick accounts; for of the three books he left deposited in the hands of the vestal virgins, one was “* *breviarium totius imperii, quantum militum sub signis ubique esset, quantum pecuniæ in ærario & fiscis & vectigaliorum residuis. Adjecit & libertorum servorumque nomina a quibus ratio exigi posset.*” From which place of Suetonius two things are observable, 1st, That this wise prince in the rules he left behind him for future government (these books being of that nature) desired that there might be a difference made between the ærarium and the fiscus, reckoning one the revenue of the commonwealth, and the other his own private patrimony, out of which he gave those legacies that he bequeathed to Tiberius, Livia, Drusus, Germanicus, and to the people of Rome. 2dly, That he left a kind of an intimation that he would have his successor call such of his servants and ministers to account as had any ways defrauded the publick. That he made the forementioned distinction is plain from this, that though he left the commonwealth in so flourishing a condition, yet in his will he excused the smallness of his legacies from the streightness of his private fortune; “† *Excusata rei familiaris mediocritate;*” alledging there would come very little to his heirs, though he had in 20 years inherited from his friends “*quaterdecies millies,*” that is, 31,250,000*l.* and though he had succeeded to two paternal patrimonies, all which he had expended in the necessary services of the state. The distinction

* Suet. D. Oct. Aug.

† Ibid.

between

between the Prince's and the publick revenue continued under all the good reigns, and the better the Prince was, the more carefully he minded that poverty should not grow upon the publick, as the only means a good ruler has to avoid burthening the people with taxes. This distinction appears from many passages in the Roman history; we shall take notice only of some: Spartianus speaking of the Emperor Adrian says, “ * *damnatorum bona in*
“ *fiscum privatum redigi vetuit, omni summa in*
“ *ærarario publico recepta.*” Pliny in his panegyrick upon Trajan says, “ at fortasse non eadem
“ *severitate fiscum, qua ærarium cohibes? Imo*
“ *tanto majore, quanto plus tibi licere de tuo quam*
“ *de publico credis.*” Tacitus says “ † *et bona*
“ *sejani ablata ærarario ut in fiscum cogerentur tum*
“ *retulere Scipiones. Hæc & Silani & Cassii iisdem*
“ *ferme aut paulum immutatis verbis adseveratione*
“ *multa censebant.*” And in another place, “ ‡ *post*
“ *quos sex: Marius Hispaniarum ditissimus defer-*
“ *tur incestasse filiam & Saxo Tarpeo dijicitur, ac*
“ *ne dubium haberetur magnitudinem pecuniæ*
“ *malo vertisse aurariasque ejus, quanquam publi-*
“ *carentur, sibimet Tiberius seposuit.*” Nero, amongst other things, promised the senate, “ || *nihil*
“ *in penatibus suis venale, discretam domum &*
“ *republicam, teneret antiqua munia senatus;*” that nothing should be venal in his palace; that his own, and the revenue of the commonwealth should not be confounded together, and that the senate should enjoy its antient privileges. This speech he made at the beginning of his reign, when he was guided by the councils of Seneca; who, as Tacitus takes notice, penned the oration. And no

* Spartian. in Adriano. † Tacit. l. 6. An. ‡ Lib. ib.
|| Tacit. Ann. 13.

doubt there could not have been laid down to a young Prince a better platform for his future government; and there is a reason to think that the philosopher, who had well enough founded the inclinations of his pupil, had then a mind to suggest to him, that his paternal fortune, with the infinite wealth which was to descend to him from his mother Agrippina, would be sufficient to supply those pleasures to which he saw his youth addicted, and that it would be for the safety of his empire to set aside the publick revenue for the uses of the publick: while he kept to these rules, his reign, though not quite innocent, however was not so monstrous; but when his flatterers had made him believe that the whole world was Cæsar's patrimony, then he ran headlong into all sorts of cruelty and riot; for he thought all things were permitted to him, who was lord of all, and that no prodigality of his could exhaust such a revenue as the dominion over the whole earth must yield: These imaginations made him enter into prodigious expences in banquets, buildings, and upon his minions; so that he wasted in a short time what had been hoarded up by his predecessor Claudius, the infinite riches he had from his mother's succession, and what came to him from the confiscation of Seneca's wealth, which amounted to 2,343,750 l. “* ter millies HS.” And when his gifts were looked into by Galba, it was found that he had this way consumed what answers in our money to 17,187,500 l. “† bis & “ vicies millies HS. donationibus Nero effuderat.”

Though the servile part of mankind are apt to extol profuse princes, yet whoever considers the story of the Roman Emperors will find, that their vices took rise principally from this profuse temper,

* Tacit. l. 13. An.

† Tacit. l. 1. Hist.

and

and by contemplating their lives he will see, that prodigality drove them into want, want into rapine and extortion; when they had oppressed the people they became odious, when they were hated they grew fearful and suspicious, fear and suspicion made them immediately dip their hands in blood, and this ever was and ever will be the natural progress of tyranny, as particularly appears by the actions of Caius Caligula, Nero, Vitellius, Domitian, Commodus, Julianus, Antonius Caracalla, Heliogabalus, and those other monsters under whom the world groaned for many years, and who by their profusion were first led into rapine and murder.

And as a further instance how fatal the prodigality of princes is to their nations, the Roman empire was so distressed by the riots and expences of Nero, Otho, Vitellius, who all together (including Galba's time) reigned but 15 years and 8 months, (according to Dion Cassius) that when Vespasian took the government in hand, he declared the commonwealth could not subsist, unless ways and means were found out of raising what answers to 312,500,000*l.* of our money, “* *profectus quadringentis millies opus esse ut Resp. stare possit.*” Into such an immense debt was the empire brought by Tigellinus, Nymphidius, Patrobius, Polyclethus, Vatinius, Elius, Titus Vinius, Cornelius Laco, Icelus, Cæcina, Fabius Valens, Asiaticus, Marcellus Eprius, and the other rapacious ministers of state, who under those dissolute and negligent reigns, devoured the commonwealth; insomuch that Vespasian, a most excellent Prince, who came to rescue his country out of these destructive hands, when he went about to disengage the publick, and

* Suet. T. Fl. Vesp.

to put the empire into a posture of defence, was forced, against his inclination, and the goodness of his nature, to oppress the people with taxes; “* ad
 “ manubias & rapinas necessitate compulfus, summa
 “ ærarij fisci que inopia;” by which it appears how much it imports the ruler of a nation, with careful eyes, to look after his treasure, since the want of it may compell him to actions, for which at the time, and in after ages, his virtue will be censured: for though this wise Emperor had nothing in his thoughts but the good of human kind, and though this character be given of him, that “† male partis
 “ optime usus est; in omne humanum genus liber-
 “ alissimus, explevit censum senatorium, consulares
 “ inopes sustentavit, plurimas per totum orbem
 “ civitates terræ motu, aut incendio afflictas, resti-
 “ tuit in melius. Ingenia & artes vel maxime
 “ fovit.” And though these and many other noble things are said of him, yet he is reproached with his ways of raising money, for not only he set up again several impositions abolished by Galba, but he added new and more heavy burthens, he augmented the tributes of the provinces, and in some places doubled them. He himself exercised divers fordid monopolies; he made an open traffick of honors, employments, and pardons; he put into offices of trust the greatest harpies he could find, that himself might afterwards have the squeezing of them for their oppressions; all which doings are so many blots upon his fame. If then the wants of the state could force the best of men upon the worst of actions, how carefully should Princes avoid being reduced to such necessities.

How far Vespasian proceeded in disengaging the publick from the debt of 312,500,000 l. history

* Suet. T. Fl. Vesp.

† Ibid.

is silent ; but we may presume he and his son Titus (who between them governed upwards of 12 years) went a good way towards putting things in order ; however all was again unravelled by the younger son Domitian. But the golden bunch of flesh which Domitian dreamt grew out behind his neck, that is, the succeeding Emperors, Nerva, Trajan, Adrian and Antoninus Pius, whose rule took up about 64 years, gave the affairs of the commonwealth a better complexion : they had been so careful of the publick revenue, that when Marcus Aurelius Antoninus came to the empire, he found in the treasury what answers in our money to * 21,093,750*l*. This Marcus Antoninus, though in his nature very bountiful, having given to the people a larger donative than they had ever seen before, was yet so frugal of the publick money, that when he was going upon an expedition against the Scythians, he would not draw any sum from the treasury without first having permission from the senate, affirming, “ † that such money and every thing “ else belonged to the people of Rome ;” and saying before the fathers, “ he had nothing in particular, “ no not so much as the house he lived in :” this Prince and philosopher, another time before, being pressed by his army for a donative after a signal victory, refused it with this memorable saying, “ The more I give these young soldiers, the more I “ must oppress their parents.” What had been collected in 5 wise and frugal reigns, was dissolutely wasted by Commodus in 12 years and 9 months, inso-much that when Pertinax came to the empire he found in the treasury (as he declared before the senate) but what answers in our money to ‡ 7,812*l*. 10*s*.

* Xiphil. ex Dione Pertin.

† Xiphil. ex Dione M. Anto.

‡ Xiphil. ex Dione Pertin.

Whereby it is seen that the prudence of a whole age may be defeated in a short space of time, if the Prince be either bad in his own inclinations, or if he let himself be mis-led by ill statesmen. But whoever considers the lives of such as have ruled tyrannically, and oppressed the people, will find that but few of them were wicked through an innate temper of their minds; for the beginnings of the worst reigns were generally blameless, which is a proof that the dictates of nature were right enough. How comes it then to pass that so many have governed ill, and why have most of them rather inclined to bad than good? “* *Gnari meliorum & quæ fama clementiam sequeretur, tristiora malle.*” The reason is obvious enough, they were corrupted by those about them; for though their persons are made sacred, and defended by innumerable laws, though they are set so much above the rest of mankind in titles and privileges, though their smaller faults are either forgiven or approved of, though they have ample provision made for their state, pomp, and safety, and though all manner of ways they are sufficiently recompenced for the troubles and toils they suffer in their great office, yet few of them will perform it by themselves, but fatally choose rather to commit it to others: not many of them are like Severus, who, as he drew his last breath, called out, “† Is there any publick business to do? Give it me, that I may dispatch it before I go.” They rather choose what they call a partner of their cares; minions, favorites, and ministers, most commonly first known to them in their pleasures, and afterwards called in to their chief business: to these they leave the whole affairs of the state, rarely looking into any thing with their own

* Tacit. l. 4. An.

† Xiphil. ex Dion. Sever.

eyes;

eyes; and few being able to defend themselves against those they love and trust, these false friends lead their master which way they please, but most commonly into the worst, as best suiting with their private interest. If the Prince be young, they corrupt him with luxury and riot; if old, they try to make him suspicious, cruel, and suggest to him designs against the liberties of his country, not so much to augment his power, as to increase their own; they endeavour to shut him up as much as they can from the sight of his people; not considering how dangerous solitude is to Princes, as in the instance of Tiberius, “* qui solus & nullis voluptatibus avocatus mæstam vigilantiam & malas curas exercuit.” But be the Prince good or bad, young or old, they promote and encourage in him negligence in all publick concerns, but chiefly such as relate to his income and expences, that with less observation, and more impunity, they may prey upon him: for though care of accounts, and in revenues, does not require a sublime understanding, and suits best with the middle capacities, yet few Princes have minded a matter so important to themselves, and so much for other people’s ease; no doubt diverted from it by such as have had the management of their affairs. All the riots, expences, as well as the cruelties of such of the forementioned reigns as proved bad, were principally promoted by the ministers those Princes had about them; and even the fell disposition of this Commodus, of whom we spoke last, was urged on to greater excess and rage by Cleander, who taken from the lees of the people, was mounted up to the highest honours, and for a time had the disposal of all dignities and offices, until at last he was slain in a popular tumult.†

* Tacit. l. 3. Ann.

† Xiphilinus ex. Dion. Commod.
But

But to follow this matter of the revenue of the Roman state as far as we can trace it in their histories: * Helvius Pertinax, who succeeded Commodus, did not rule quite 3 months, he endeavoured to prevent the rapine of the freed men and officers of the court, and to hinder the robberies and violence of the prætorian bands; but he was killed in the attempt, the court and camp being then both so depraved that they could not bear a grave and frugal reign, which should be a warning to all governments, that have any freedom left, not to let corruptions of this nature grow till they are too big to be corrected. Julianus came next, having bought the empire, he endeavoured by excess of liberality to gain that affection which was not due to any virtue he had, but Princes who endeavour this way to become popular gain a few at the cost of many, and so are hated by the major part: he consumed as much as one could do who governed but 2 months. Severus was next elected, whose reign of near 18 years was mostly taken up in civil wars, first with Niger, and then with Albinus for the sovereignty, and in foreign expeditions into Parthia, Arabia, Palestine, Egypt, and lastly into Britain: and though this was a reign of war, and though Severus was expensive in publick buildings, and munificent to his soldiers, having at one time made a donative to them of what answers to 1,562,500 l. of our money, † yet he left to his successor an immense treasure, which we must attribute to the indefatigable application he shewed in the universal business of the state. And though he may be reckoned among the cruel Emperors, yet it is observed of him that he never hunted after confiscations, from whence we may infer he grew rich by

* Herod. l. 2.

† Xiphil. ex Dion. Sever.
meer

meer œconomy ; his story being an instance that neither liberality, war, nor any other expence, will hurt a Prince who minds his own affairs.

His son Antoninus Caracalla succeeded, who lavished among the soldiers what his father had so carefully laid up, having for above six years together robbed the whole world to enrich them, plundering, confiscating, and murdering the best men of the empire, to feed the licentious appetites of his men of war, and yet he was killed in Mesopotamia, in the midst of that camp he had so much courted and favoured ; from whence may be observed, that the love of subjects is not to be bought with money, but to be obtained by wise government ; and that all sorts of people, even soldiers, reverence a Prince more who by good conduct keeps something in his power to give, than they do him who gives all away ; expectation and hope often carrying men much further than the sense of past or present benefits.

Among the rest of Caracalla's monstrous actions, one was to * utter false money, issuing out lead silvered over, and copper gilt, as legal coins. And perhaps it will not be foreign to our present subject in this place to make some short observations upon the Roman coin ; and the first that occurs is, that the coin was best and most weighty in the time of the commonwealth, and afterwards best and most weighty under the best Princes, as under such the revenue of the state was most carefully looked after. Marc Anthony the triumvir began first to debase the Roman coin ; his example was afterwards followed by the Cæsars. “ † Miscuit denario triumvir
“ Antonius ferrum, alii a pondere subtrahunt cum
“ sit justum octoginta quatuor e libris signari.”
Silver was first coined in Rome 585 years ab U. C.

* Xiphilinus ex. Dio. Caracal.

† Plin. l. 33. c. 9.

Q. Fabius

Q. Fabius being consul, 5 years before the first Punick war; they did not coin any gold till 62 years after. The denarius was the silver species most in use among them; under the consuls they coined 84 denarij out of the Roman pound of silver, that is 7 from the ounce, but in the reign of the twelve Cæsars they coined from the pound 86, 88, and in process of time they came to make 96 from the pound, that is 8 from an ounce.* As to their gold coins, the aureus was double the weight of the denarius; and, for a good while, when they diminished the silver coin, they diminished the gold coin in proportion, so that whereas under the consuls they coined from the Roman pound of gold † 42 aurei nummi, under the Emperors they came to coin from the pound 48. From Augustus to Vespasian the silver coin from time to time lessened in weight. From Vespasian to Alex. Severus it stood at a stay, in respect of weight. Under Severus and Gordianus it recovered its antient weight, and so continued till Justinian, with little difference in the weight, but frequent change and abasement by alloy. But after Justinian, when the barbarous nations made eruptions upon the empire, they brought universal confusions upon the coins, as they did upon all other things that related to good polity. The gold coin did likewise suffer its changes and diminution; for ‡ Greaves, who in his travels had weighed many of the aurei collected in curious cabinets abroad, and not impaired by time, found them from the first to the last of the twelve Cæsars, to weigh from 123 to 112 grains English, and from Nerva to Heraclius, from 111 to 69 grains English. This in general may be observed, that with the empire the Roman coins de-

* Plin. l. 3. c. 33.

† Snellius in Erotost. Batavo.

‡ Greaves of the Roman Foot and Denarius.

clined, necessity driving the Prince, as the species grew scarce, to put a higher value upon it. When we reflect upon the vast sums mentioned in their histories, we must be driven to own, that about the time of Tiberius money was as plentiful in Italy as it is at this day in any part of Europe, and that it bore the same proportion with other commodities as it does at present; and that a sum of their money answering to ours would maintain a man in the same port as the same sum does now; as for example, Nero allowed Valerius Messalla, of a most noble family, great grandson to Corvinus the orator, by annual pension, quingena sestertia, which in our money answers to 3906l. “Quibus Messalla paupertatem innoxiam sustentaret.*” Vespasian maintained such senators as were of consular dignity, and had fallen to decay, with the like annual pension, “consulares in opes quingenis sestertiis annuis sustentavit,†” which shews that what was then about 3906l. would support a man of the best quality in an honourable way of living, and not less, for Vespasian, who looked to what he did, would not have given so much, if less would have sufficed. That the species abounded then in Italy as much as it does now in any country, appears by many other instances too tedious to be here inserted. But this will not seem strange to such as consider, that the wealth of all the known parts of the world had for several ages been drawing thither to center in one city, and there it might have continued, and in the near adjacent provinces, and this wealth might, for ought we know, have preserved the state to this day, if, as in the times of the commonwealth, or, as was done under wise reigns, they had preserved a sufficient proportion of it treasured

* Tacit. 13. Ann.

† Suet. T. Fl. Vesp.

up for the uses of the publick. But when the Emperors, and when, after their example, the people fell into an excess of luxury, to feed that luxury, foreign countries, in the way of trade, soon got back that gold and silver which the Romans had before taken from them by force of arms; and when the publick was so exhausted, and when private men were so impoverished as not to be in a condition to help the publick, the empire was left naked and defenceless: for a great dominion is to be secured but two ways, either by virtue, or force; by virtue, such as the Romans and Athenians shewed in the beginning of their commonwealth; by force, such as the Persian Kings, and the Roman Emperors were masters of, which consisted in immense treasures laid up, large tributes arising from the people, great fleets and armies; but when countries are effeminated by luxury, and impoverished by riot and ill conduct, that is, when they have neither virtue nor strength remaining, they presently become a prey to the warlike nations that will invade them.

We have made this short digression, and given instances of several changes in the Roman money, to shew how much the coin of a country is its true pulse; and that if it beats irregularly, it is a symptom that the body politick labours under some dangerous distemper; that if the Prince be compelled to diminish its weight, it is a token that the species begins to be drawn out of his dominions; that if he be forced to substitute something else in the room of gold and silver, as Caracalla did lead and copper, it is a mark that a great part of it is gone; that if the species comes to be drained away, or universally corrupted, as it was towards the latter end of the Roman empire, it is a demonstration that the ruin of the state is coming on apace. But to resume our discourse.

After

After Caracalla, Macrinus was chosen, who though obscurely born, and rising to greatness by leisurely steps, yet could not avoid plunging himself into the voluptuous courses of his predecessor: warring with the Parthians, he was defeated in two battles by Artabanus, and forced, to purchase a peace at the expence of what answers to 1,562,500l. of our money,* a thing very strange to the Romans, who were wont to sell, and not to buy peace; but this gap being opened, their wealth afterwards more than once flew out the same way. After this ignominious treaty, Macrinus was soon overthrown by an army led by a woman, Mæsa sister to Julia the wife of Severus, who placed upon the imperial seat Antoninus Heliogabalus her grandson. This monster exceeded all that ever went before him in rapine, cruelty, and riot. He was slain for his detestable vices; his mother Mammæa had persuaded him to adopt his cousin-german Alexander Severus who succeeded†. He governed well and wisely. In this reign, which lasted 13 years, endeavours were made to reduce things to some order, but the times could not bear a good Prince: He was slain by his soldiers in Gaule.

After his reign there were many revolutions in the empire, and much confusion, till Constantine took the government upon him. Alexander Severus was killed in the 988th year ab U. C. and Constantine began to rule alone anno ab U. C. 1077. And whereas 2 good Princes Edw. 3d, and Q. Eliz. ruled in this kingdom above 94 years, Rome between the time of Alex. Severus and Constantine, which was but 89 years, saw 19 reigns, and more than 20 Emperors, many during that space having usurped the title; not to reckon the 30 tyrants who set up themselves in several provinces in the reign

* Xiphil. ex Dion. Maerin.

† Lampridius in Alex.

of Galienus: to such miseries and changes are corrupted countries obnoxious.

During this time many things happened, which tended to the impoverishment and weakening of the empire. Under Trajanus Decius the Goths began to invade it, and soon after the Scythians:* Vibius Gallus, who succeeded Decius, bought a shameful peace of the Goths with money. Under Gallienus the Germans got into Italy as far as Ravenna; Macedonia, Pontus, and Asia, were invaded by innumerable troops of the Goths and Scythians, Dacia beyond the Danube threw off all subjection; the Quadi and Sarmatæ possessed themselves of Pannonia, and the Parthians having seized upon Mesopotamia, made inroads into Syria.†

But to save the empire from utter ruin, during this time there were some good reigns; Valerius Aurelianus, a warlike Prince, did almost restore it to its antient limits. Probus, who was chosen against his will, went a great way towards repelling the barbarians, and under him the Roman affairs flourished; but afterwards by bad reigns things were again brought into confusion: however all along, while either the Prince or the ministers were good, some care was taken of the publick. It is true, where there were so many changes, and so frequent civil wars, it is not probable any money could be laid up; but other provisions were made whereby the people might be relieved in peace and defended in time of war. Severus had magazines of corn. “† Severus rei frumentariæ quam minimam repererat, ita consuluit ut excedens ipse vita 7 annorum canonem populo Romano relinqueret.” Mesitheus, who was chief minister, and father-in-law to the Emperor Gordian, is the true pattern of a wise statesman careful for the publick. “|| Cujus

* Zosimus l. 1.

† Spartianus in Sever.

† Eutropius l. 9.

|| Capitol. in Gord.

“viri

“ viri tanta in republica dispositio fuit ut nulla esset
“ unquam civitas limitanea potior quæ non posset
“ exercitum populi Romani ac principem ferre;
“ quæ totius anni in aceto frumento & larido atque
“ hordeo & paleis condita non haberet; majores
“ vero urbes aliæ 30 dierum, aliæ 40, nonnullæ 2
“ mensium, quæ minimum 15 dierum.” So that
when the luxuries and riots of preceeding times, had
partly drained the empire of its gold and silver,
they made stores of another kind; though indeed
from the beginning there was little drawn but pro-
visions from several provinces; for Trajan had or-
dered, that the Leptitani in Mauritania, should
furnish oyl: that part of Gallia and the Spaniards,
chiefly those of Bætica, should provide horses,
besides materials for cloathing, oyl, and bacon: in
Italy the Lucani were to find hogs, and the Brutii
oxen: moreover, from the time they were subdued,
Sicily and Ægypt were to provide a certain pro-
portion of corn, which varied according to the
necessities of the publick. Thus from many
countries, they drew the tributes in kind, which
were partly made use of for the people’s relief, or
stored up in good times, and in bad times dissi-
pated, no benefit thereby arising to the common-
wealth.

Constantine proceeded a great way towards
remedying the disorders which had crept into the
empire, under the loose reigns that preceeded his.
He corrected rapine and oppression in the minis-
terial parts of the government, by a solemn * edict,
inviting all sorts of people to accuse such of his
ministers and officers as had been corrupt: he re-
strained usury by severe laws, which is one certain
way of enriching both the publick and private men;

* Vid. l. 4. de Accusat. C. Theod. lib. 9, tit. 1.

for where immoderate usury has been suffered, poverty was always national and universal: he likewise regulated the Roman mint.

But the wisdom of 2 or 3 reigns avails little to preserve an empire, the foundation of whose ruin is already laid; their antient virtue was long since gone, power and wealth remained for some time after, martial discipline, from whence their greatness took its rise, was slackened under effeminate Princes, and at last quite corrupted by civil wars: however, upon so strong a basis was this commonwealth built, that neither the madness of the Emperors, nor the vices of the people, could probably have destroyed it so soon, but for other accidents which helped on its ruin.

Though M. Antoninus Philosophus had associated into the empire Lucius Verus, and though Severus had done the same with his son Antoninus Caracalla, yet there was no actual division made, and the body of the state remained one, though with two heads. But between Probus and Florianus, the territories were in a manner parted. Afterwards Dioclesian ruled alone, who associated into the empire Maximianus Herculeus,* they two governed jointly; but when they deposed themselves, the empire was again divided between Maximianus Galerius, and Constantius Chlorus, who ruled each their separate provinces; but at last, all fell into Constantin the son of Chlorus; but it was again divided among the sons of Constantin. But Constantius the 2d son surviving his brothers, reunited again all into himself, and it continued one empire until Valentinian, who divided it again between himself and his brother Valens. But the sons of Valentinian dying childless, the empire came

* Eutrop. l. 9.

again intire to Theodosius; who again divided it between his two sons, Arcadius and Honorius; and so it stood divided till the Western empire was quite subverted.

This division of its territory, places of strength, tributes, revenues and legions, was most fatal to that commonwealth which had been founded with so much wisdom, and for many ages defended with such courage, and which the Gauls, Carthaginians, and the Cimbrians, had in vain attempted. But its ruin was not presently compassed; and so strongly was this frame built, that to pull it in pieces was the work of above 150 years. The empire being weakened and divided encouraged Alarich to invade Italy; who at first was bravely vanquished in two battles, and repulsed by Stilico; but afterwards the senate was forced to purchase the retreat of Alarich at the expence of 4000 l. weight of gold; who not long after broke the peace, besieged Rome, took and sacked it, an. ab U. C. 1163. And about this time the Hunns invaded Pannonia; the Vandals, Alans and Swevi, and the Goths who had formerly invaded Gaul, did then with the Burgundians fix themselves there. Not long after Africk was miserably harrassed by the Vandals, and Carthage was taken by Genferich; and in a little time Attila with his Hunns made an attempt upon the empire, whose first irruption was stopt with 6000 l. weight in gold; but in a few years he again invaded the Western provinces. Gaul felt his rage; then he came and laid all Italy waste, destroying many populous cities, so that of them there remains nothing now but their names. After this Genferich King of the Vandals landed in Italy, plundered Rome the second time, carrying away all which even the rage of Alarich had left: in this century Theodorick King of the Goths fixed himself and his people in Spain, and

the Franks obtained a firm footing in Gaul after a long contest with the natives, and the Romans: at last Rome was for the third time taken and sacked by barbarians, conducted by Odoacer Prince of the Heruli; who was proclaimed King of Italy. And thus an end was put to the Roman dominion, after it had continued under Kings, in a commonwealth, and under Emperors, about 1228 years, reckoning from the first foundation of the city.

And now to recapitulate the reasons of this great peoples ruin. First their luxuries extinguished antient honour, and in its room introduced irregular ambition: ambition brought on civil wars; civil war made single persons too considerable to remain afterwards in a private condition; so that the foundation of their destruction was laid in the century wherein Cæsar invaded their liberties; however they might have continued a powerful and flourishing nation for many ages, if the succeeding Princes had imitated either Cæsar or Augustus: but many of those that followed assumed to themselves unlimited authority, and when bad Emperors came, they pulled down what had been building up by the wisdom of all their predecessors: they seized upon that treasure which the frugality of preceeding times had set aside for urgent occasions. They accounted the publick revenues to be their own particular property, and to be disposed of at their pleasure; such as were lavish, squandered away among their minions and favorites, that which was to maintain the dignity of the state. When their profusion had reduced them to necessities, they fell to laying exorbitant taxes, and to pillage the remote provinces; when those provinces were harrassed and exhausted by continual payments, they became weak and unable to resist foreign invasions: in those naked and defenceless provinces the barbarians nested them-

themselves, and, when they were grown strong and powerful, from thence they made irruptions into Italy, till at last they came to invade and conquer Rome it self, the very head and seat of the empire.

From this brief account of the Roman affairs perhaps it will appear, that to let ministers waste the publick revenues, or to suffer any negligence and profusion of the like nature, is of dangerous consequence both to the Prince and people.

SECTION III.

Of Resumptions.

THE southwestern parts of the Roman empire were invaded and possessed by that torrent of people which antiently issued out of Scanzia, a very large tract of land, bounded on the north and east by the sea, and on the west and south by the Botnick bay and Baltick sea, as likewise by rivers which empty themselves into the Botnick bay and the Russian or White sea. These nations, when they first left their native soil, for a great while had no certain seats, but traversed from one region to another, till at last they came to fix themselves in those provinces they had intirely conquered. Of these the Visigoths and Ostrogoths were the most considerable. The Ostrogoths to whom all Pannonia had been assigned by the Romans, extended their territory far and wide, till they seized Italy it self, under Theodorick. The Visigoths seized on part of Gaul, planting themselves in Aquitaine, and having cantonized in other parts of the country, there they continued for some time. They likewise formed a dominion in Spain, which lasted above 300 years, reckoning from Athlaufus the son of Alarick (who by consent of the Roman Emperor Honorius, was settled in the borders between Gaul and Spain) to Roderick, who was totally subdued by Tariff the general of Ulit Miramamolin the Moor. Part of these Visigoths fixed themselves likewise in this kingdom of Britain; for from the antient Scanzians were derived the † Jutes, Gutes, or Getes, who

* Grotius Prolegom. in Hist. Goth. Vand. &c.

† Vid. Sheringham Discept. de Orig. Gentis Angl.

nested in part of Germany, and were afterwards called Saxons, and who from Germany came and took possession of this island.

Of the same Scanzian, or Gothick race, were likewise the Danes, who about 200 years before the Norman conquest, invaded England, planting colonies and gaining such footing here from time to time, that at last they wholly mastered both the Saxons and the natives.

From this soil likewise, barren of provisions, but fertile in producing men, did spring the Normans, who under the conduct of Roul left their own soil; first touching upon our coast, and finding no reception here, they were content upon terms to depart, and carry the terror of their arms elsewhere, which they did into France, where by their valour they obtained that tract of land, which from them was called Normandy, from whence in 120 years they came, and in one battle conquered England.

Thus by these swarms from the north, of men seeking new seats, the best part of Europe came into the possession of a rough warlike people, whom the luxuries of Asia, Greece and Rome, had neither corrupted nor refined; and these new inhabitants changed every thing, introducing in all places new customs, other manners, languages, different ways of making war, new laws, and new forms of government.

And these several branches springing from the same stem, it must follow, that the fruit they bore would be near of a taste; by which we mean, that in their manners, laws, and principally in their politick government, they must of consequence, as indeed they did, very much resemble one another.

And whoever looks into the antient constitutions of England, France, Spain, Denmark and Sweden,
will

will find, that all these nations had one and the same form of government ; and though they might vary in some circumstances, yet they all agreed in certain fundamentals, which were, that the people should have their rights and privileges ; that the nobles, or men of chief rank, should have some participation of power, and, that the regal authority should be limited by laws.

It is true the German Emperors have some shadow of, and pretended succession to the Roman empire ; but whoever contemplates their laws, constitution, and form of government, will find all strongly impregnated with the Gothick tincture.

However, he who considers the migrations of these men, will perceive, that the governments which they established, were the necessary and unavoidable consequence of their expeditions, and that people seeking new seats could not properly put themselves under any other form.

For so vast a design as that of leaving one's own, and invading a remote country, must fall into some bold and great mind, that could first conceive, and then be able to go through with such an undertaking ; and he who was thus qualified with courage and conduct, easily obtained supreme authority over all the rest ; from whence came, that these people chose to be governed by kings. But the first expence of this expedition being very great, and he who projected it not being able to bear it all himself, he associated to him certain of his principal countrymen, who had likewise followers and dependants of their own ; these in consideration of what they contributed towards the common design, were not only to share in the conquered lands, but in these lands to enjoy certain powers and privileges, and to have names of honour, by which they were

were to be distinguished and set above the rest: from whence came, that these Northern nations had among them the titles of Peers, Pallatins, Barons, Earls, Grantz, Graffs, Notables, Grandees, and Dukes. And the persons of prime rank under these or the like appellations, were a distinct part or member of the body politick, and were to protect those who had come under their banners, and followed their fortune, and were vested by the constitution with eminent power, that they might be a skreen between the Prince and people. But the labour and dangers of these expeditions were to lie upon the common people, by whose hands the battles were to be fought; and no doubt they had not been tempted abroad if they could not have promised themselves a better condition than what they had at home, and if they were to be only beasts of burthen to the great ones: for which reason, by compact with those whom they followed, they were likewise to have a certain share in the future conquest; from whence came, that in the settlements made by these Northern nations, respect was had to the interest of the people: there was reserved to them their distinct rights and priviledges, and part of the conquered lands were assigned to them, in which, the better sort had freeholds, and those of inferior degree, held of their captains, lords, and leaders.

Their military constitution, gave likewise form to their civil government: their King as he was head of the army in the moving camp abroad, so, when they came to settle, he was head of the commonwealth: and as the principal officers and chief captains had been his council of war, so when they had peace and rest, they could not be easily perswaded to quit that share in the administration of affairs, of which they had tasted in
the

the field; and their titles and lands being to descend, they became, by virtue of their tenures, his hereditary and standing council; and as in the field they had wont to advise him in difficult matters for the common good of the whole, and to lay before him the necessities and grievances of their followers and dependants, so at home it grew their right to do the same. But when these nations came to fix and mingle with the natives, and when they had made compacts and agreements with those natives, this united body (which likewise increased in wealth and possessions) soon became so considerable as to make it necessary, that what was properly called the commons, should be a distinct part of the state, and that it should be represented by persons and members chosen from among themselves. Thus in all these northern establishments, there has been what was called either the estates, assemblies, the cortez, diets, or parliaments.

This was the original constitution, in most of the establishments made by these northern nations; and under this form of government they continued without any material change, till the two last centuries.

But in process of time the soil alters the nature of man, as much as it does that of plants; warmer climates did by degrees soften these rough and warlike people. Too much sun produces that effeminacy, which is the proper matter for arbitrary power to work upon: therefore all the East and Southern world has been enslaved, while colder climates seem more tenacious of their liberties. The French were the first who stooped to the yoke of regal authority, not limited by laws; Spain soon followed, to whose kings their foreign acquisitions gave more greatness than consisted with the freedom of their people. At last it grew a mode among
lesser

lesser kingdoms to imitate what had been done in larger empires : so that the Danes and Sweeds were content to make and put on their own fetters : and we in England were desiring to be like the other nations round about us ; had not the virtue and courage of a few saved us often very narrowly from the corruption and madness of the rest. The bad example of former Kings, the vices of their courts, nor our own riches, have not softened and depraved us quite ; and this island having been planted by the most warlike of all the northern tribes, and having still preserved a few of its old inhabitants who retain somewhat of the antient Britton courage ; and this soil having always bred and nourished men of heart and stomach, it happens that we still continue free, and that we keep the main parts of our original constitution.

Antient conquerors have in the same manner divided their acquisitions, between the Prince, his chief followers, and the people ; but the tenures or rights, by which these lands were to be held, seem particular to these Gothick settlements, and with admirable polity contrived to preserve the links of protection and obedience, which should hold Prince and people together ; for it is natural for men to cherish and protect their dependents ; and as natural, to love and obey those by whom we are protected. Thus to make all hold of the King, was almost as far as human wisdom could go, to hinder this chief landlord from committing waste in his own, and from injuring those by whose service he was to receive assistance. But this division of property would not have quite sufficed, unless there had likewise been made such a partition of power, as we have mentioned ; for the greater would have encroached upon, and swallowed up the less, if the power of each part of the constitution had not had certain

certain boundaries, as well as the fields and grounds had landmarks, of one kind or other.

Our antient government having its foundation in such tenures as the Goths introduced, it will be necessary to say something upon that subject.

This way of holding land by certain services was brought in by the Lombards, who descended of the * Gepidæ, a people that quitting Scanzia, were left upon an island of the river Vistula, where increasing in numbers, they were compelled to seek new seats, and who after many roving and adventures came at last to fix in Italy. What we call fee and what in modern Latin is called † feudum, had its original from the Kings of Lombardy, whose custom it was to grant territories, towns and cities to their captains and principal followers, who were to have a kind of usufructuary right therein, or more properly the utile dominium; but of these lands the Prince reserved to himself the direct dominion. It is true, the Romans had something like this, as the *Coloni glebæ adscriptii*: and ‡ Alexander Severus, and after him Constantin distributed lands upon the borders to their soldiers, and their heirs, upon condition of defence. But that which properly constitutes the feudum, viz. the peculiar oath of fidelity and homage, was an institution of the Lombards, who did not only assign lands upon the limits, but distributed whole countries to be held by fidelity and service. These tenures were first at will, afterwards for a term; then they came to descend to one son, afterwards to be an inheritance. He that held the fee was obliged upon summons to arm himself and follow his lord's banner, and to stand by him in all dangers: besides, he was subject to

* Grot. Prolegom. in Hist. Goth. Vand. & Longobard.

† Cujacius Feud. l. 1. tit. 1.

‡ Lamprid. in Sever.

the payment of tributes, aids, or subsidies. As the Prince conferred these fees upon great lords and barons, so these barons came to confer them upon others. The Germans had antiently something of the like nature; but from Italy they passed into France, and from France into England. And certainly it was a wise institution to give a new people, who were to be continually upon their guard, either against the natives, or foreigners, some interest in those lands, for whose defence they were so often to expose their persons.

When these northern expeditions had success, and that a country was subdued, there was assigned to the Prince, or he took to himself, part of the land, which he held in demesne, from which, and by the profits and strength the tenures produced, he maintained himself in war and in peace, without laying, in antient times, any other burden upon his people. And without doubt, our Kings were most happy when they lived upon this revenue of the crown, which was neither grievous by its weight, or novelty. What the Prince thus received came chearfully, because the people had good bargains from the crown. It is true, they who held by military service, were at more expence in time of war; but it was the nature of their tenure, and they bore it; nor did a warlike race of men, dislike now and then to be in action. And it is probable, our first Princes chose to subsist from a revenue that would be paid without murmuring, and which they might call their own, rather than upon the manufactures and trade of their subjects, as was practised by eastern Kings and the Roman Emperors, who were always laying fresh impositions upon their people, which ill suited with the free genius of the men these northern Princes were to govern.

Those loads upon industry, high customs, and what we call excises, were afoot in the Roman empire, but not thought of in these Gothick settlements: it is true, from the time Kings have desired greater armies than their crown-revenues would maintain, such impositions have been revived in these parts of Europe.

These kind of taxes, from which this side of the world had been exempt for several ages, were renewed by ambitious Princes, who had great thoughts, and small territory; of which kind, were Ferdinand and Alphonso of Aragon, Kings of Naples, and Lodowick Sforza, duke of Milan,* who harraressed their countries with these sort of duties, to such a degree, as at last it produced an universal defection of their people. By these ways and means of raising money, Lodowic Sforza had heaped up such a mass of wealth, that not 8 years before Milan was taken, he shewed several foreign ministers, by way of ostentation, besides jewels, and other sort of riches, in no small quantity, to the value of 1,500,000 ducats: a vast sum for those times. The Kings of Naples had likewise scraped up a great treasure, by the like methods. But what did all this end in? These exactions had so provoked the people, that neither the innocence nor virtue of Ferdinand, Alphonso's son, nor the dark wisdom and subtilties of Lodowick, could avail them in time of danger, insomuch, that they both lost their dominions to the French, without hardly striking a stroke. The necessities, introduced by the long wars in Italy, brought these sort of taxes more in vogue, and they were chiefly made use of by the little Princes there, who erected to themselves tyrannies in several cities. Not long after, this way of raising

* Guicciard. l. 2. & 4.

money got footing in Spain, and the tax was called the * Alcabala, by which, the King was to have the tenth part of all that was sold, or exchanged; it was first laid towards defraying the expences of the wars of Granada, against the Moors, and continued for some time, though the war was ended; but by the authority of that great minister, Cardinal Ximenes, it was abolished. They had likewise taxes upon the consumption, long ago in France, as in the reign of † Chilperic, which the people thought so burthensome, that many therefore deserted their country, and we hear not of them again in their histories, till some ages after, and the manner by which they are now collected in that kingdom came from Italy. But the ancient revenue of the Kings of France, consisted in land. Mezeray says, ‡ “ Le revenue des Rois
 “ consistoit en terres ou domains, & en imposts
 “ qui se prenoient sur les Gaulois seulment, car il
 “ estoit odieux d’ en prendre sur les Francois,
 “ on les levoit quelques uns en argent, quelques-
 “ autres en denres. Quand on fit l’ arpantage ou
 “ partage des terres les rois en eurent pour leur
 “ portion quantite des plus belles specialement aux
 “ environs des grandes villes. Dans toutes ces
 “ terres qui’ls apelloient Villæ Fiscales ils
 “ avoient des officers ou serviteurs, qui se nom-
 “ moient Fiscalins, & celui qui leur commandoit
 “ domestique. On amassoit les provisions de bleds,
 “ de vins, de fourages, de chairs, specialement de
 “ venaison, & de porc.”

And as to excises, gabels, and high duties upon trade, they were unknown, among the founders of the English government, or of the kingdoms round about us.

* Baudier l’ Aminst. du Card. Ximen. cap. 3.

† Mezeray vie de Chilp.

‡ Vie de Clotaire.

We have been compelled to look thus far backward, and to repair to the fountain-head, and original of this government, in order to illustrate what we are going to lay down in this section, which is,

I. That in forming this constitution, our ancestors took care to make ample provision for maintaining the King's crown and dignity.

II. That, when those lands and revenues had been parted with, which were allotted for his and the state's service, parliaments have seldom failed to relieve and restore his affairs, by acts of resumption.

William the Norman, when he had subdued Harold, and got quiet possession of the crown, made a general survey of the whole kingdom. There was already a survey, remaining at Winchester, which had been taken by King Alfred's order, about two hundred years before. William's survey was called Doom's-day-book, in which there was set down a catalogue of all the tenants in capite, or serjanty, that held lands in every county. In this account, the King is always placed first, and his, and the crown lands, described under the title of *Terra Regis*; and in every one of these counties the King had lands and manors. The great and little Doom's-day-book, contained the description of all England, Westmoreland, Cumberland, Northumberland, and part of Wales excepted. There were appropriated to the crown * 1422 manors, or lordships, besides lands and farms in Middlesex, Shropshire, and Rutlandshire; over and above which, there were quit-rents, paid out of several manors. Insomuch, that *Ordericus Vitalis* says †, William the Ist, had coming

* Vide Doom's-day-book.

† Fol. 523.

in £ 1,061 10 1½*d.* per diem of sterling money, which, the value of money in those days considered, was a prodigious income. * Jervais of Tilbury says indeed, that at that time, all the King's tenants paid their rents in kind: but this will appear manifestly otherwise, to any one that looks into Doom's-day-book.

And though Ordericus may have given us an account somewhat too large, yet considering the number and value of his manors, and the number of knights fees, which were 60,000, out of which escuage might be levied in times of action, he had, without doubt, a very great revenue, either for peace or war.

Sir Robert Cotton † says, the article of Terra Regis, in Doom's-day-book, consisted in such lands as King William found Edward the Confessor had been in possession of, and that to alienate this revenue from the crown, was held impious by our fore-fathers.

Most certainly, in this universal survey, there was inserted whatever the Kings had claimed to the time of Edward: But there was good reason to think that he added to the Terra Regis, such lands as he pretended were forfeited by those who had engaged in the battle of Hastings, and the estates of the barons, and other great men, who afterwards from time to time revolted from him: part of which lands he annexed to the crown, distributing the rest, with a reservation of certain quit-rents, among his Norman followers.

By this account it appears, that this founder of our present government, left to succeeding Kings a fair inheritance, sufficient to maintain their estate and dignity at home, and capable to defend the realm against invasions from abroad.

* Jerv. Tilb. Dial. de Scacc.

† Cotton. Post. p. 179.

But this model of a politick constitution, easy both to King and people, was somewhat shaken, even by his next successor, William Rufus, who not only wasted the vast treasure left by his father, but also run into such profuseness, as forced him to harass the whole kingdom. He alienated the crown-lands: And * Daniel says, He was compelled to resume his own grants. William of Malmesbury, speaking of this prince, says, †
 “ Plures patrimonia sua effudere inconsulte largi-
 “ endo. Quid vero est stultius quam quod
 “ libenter facias curare ne diutius facere possis?
 “ Itaque quidem cum non habent quod dent ad
 “ rapinas convertuntur majusque odium asse-
 “ quuntur ab iis quibus auferunt quam beneficium
 “ ab iis quibus contulerunt.”

Henry the 1st, who succeeded, had all the qualifications belonging to a wise and provident ruler. He brought to punishment Ranulphus Bishop of Durham, who had been the chief adviser of all the irregularities, profusions, and exactions of the last reign: ‡ He likewise took into his own possession, all his father's lands and lordships in Normandy, which his brother had squandered away, and by the judgment of wise men, made those gifts void which imprudently had been bestowed upon undeserving persons.

After the death of Henry, Stephen, the third son of the Earl of Blois, by Adela the fourth daughter of William the 1st, was elected King. He found in his uncle's treasury 100,000 l. besides plate and jewels of an immense value; having no good title to the crown, he was forced to purchase the good will of the principal men by gifts:
 “ § Multi siquidem, quos vel nobilitas generis, vel

* Dan. p. 44.

† Will. Malms. p. 122.

‡ Ord. Vit. fol. 822.

§ Will. Malms. Hist. Nov. p. 180.

“ magnitudo animi, vel potius viridioris ætatis
 “ audacia ad illicita præcipitabat, a rege hi prædia,
 “ hi castella, postremo quæcunque semel collibu-
 “ isset, petere non verebantur :” And with these
 grants he bought the dissembled affection of his
 courtiers. * Malmſbury calls it “ Simulatam ad
 “ tempus pacem ;” for all this liberality could not
 make the nobles faithful to him, his whole reign
 having been nothing but a scene of treachery and
 bloodshed. At last he was forced to come to
 terms of agreement with his kinsman Henry Fitz-
 Empress, of which one article was, that he should
 resume those grants, “ † Regalia passim a proce-
 “ ribus usurpata rex in sua recipiet.”

And pursuant to this agreement did Henry
 the II^d act when he came to the crown, which is
 to be the more admired in him, because he was a
 stranger born, son of the Earl of Anjou, and
 succeeding by Maud his mother's title, and be-
 cause the crown revenue was got into powerful
 hands, able to give him strong opposition ; but
 nothing could stand before his courage and perse-
 verance : he resumed the lands which King Stephen
 had given among his followers. William Earl of
 Albemarl pretended to oppose him in Northum-
 berland, but he brought him to restore what be-
 longed to the crown, as he did likewise Hugh
 Mortimer, “ ‡ Considerans autem rex quod
 “ regni redditus & dominica per molliciem regis
 “ Stephani ad dominos multos jam devenissent,
 “ præcepit ea cum omni integritate infra tempus
 “ certum a quibuscunque detentoribus resignari &
 “ in jus statumque revocari.” He also took upon
 him to banish foreigners, particularly the Flemings,
 who had nested here in hopes of booty under a

* Ibid.

† M. Par. p. 86.

‡ Chronicon Johannis Brompton, col. 1046.

loose reign: “ * Rex tenuit curiam suam apud
 “ Beremundefiam, ubi cum principibus suis de
 “ statu regni & pace reformanda tractans, propo-
 “ fuit animo alienigenas gentes de regno propel-
 “ lere.” Matthew Paris speaking of this prince,
 says, “ † Qui continuo in regem promotus, cæpit
 “ in jus proprium revocare verbes, castella & villas
 “ quæ ad coronam spectabant; alienigenas, &
 “ maxime Flandrenses de regno expellendo, &
 “ quosdam Pseudocomites quibus Rex Stephanus
 “ pene omnia ad fiscum pertinentia minus caute
 “ contulerat, deponendo.” So that we have here
 the instance of a warlike King (for such a one
 Henry was) greater in revenue and extent of
 foreign dominion than any of his predecessors,
 who thought it no derogation to his honour to look
 into these matters.

And this provident care of his had such an
 effect, that his son and successor Richard the Ist,
 at his coming to the crown, found in the treasury
 above £ 900,000, besides plate and jewels; “ ‡ In-
 “ venta sunt plura quam nongenta millia librarum
 “ in auro & argento, præter utensilia & jocalia,
 “ & lapides pretiosos.” But this and much more
 was presently consumed in the mad humour which
 at that time had seized all the Princes of Europe
 of making war for the Holy-land. To furnish
 himself for this expedition Richard sold several
 parcels of the crown revenue. § Hoveden says,
 “ Rex exposuit venditioni omnia quæ habuit,
 “ scil. castella, villas & prædia;” but the lands
 thus granted away he did resume. || Daniel says,
 that after his second coronation, which was at
 Winchester, he not only resumed the manors he had
 sold to the Bishops of Winchester and Durham, but

* Gerva. chron. col. 1377.

† M. Par. p. 92.

‡ M. Par. 152.

§ Hoved. p. 658.

|| Dan. p. 105.

what.

whatsoever other sales he had made of the demefas of the crown, “ alledging, that it was not in his
“ power to alien any thing appertaining to the
“ same whereby his state was to subsist.” Grafton says*, “ That after his second coronation he
“ called a parliament, by the authority whereof,
“ he resumed again all patents, and annuities,
“ fees and other grants before his voyage by him
“ sold and granted, and caused the parties to be
“ contented with such revenues and profits as they
“ had received of the said offices or lands, in the
“ time of his absence: and spared not for any
“ sufficiency of writing that by him before was
“ made.” But, to confirm this, authors may be produced of more antiquity than either of these.

† Knyghton says, “ Post ejus coronationis solennia
“ quicquid prius leviter datum aut graviter venun-
“ datum fuerat repetiit, nomine commendati,
“ fructus perceptos pro sorte computans, cessante
“ pacto, titulo & instrumento quocunque.”

‡ Brompton says, “ Denique quod cum ipse iter
“ versus orientem arriperet & regnum ipsum mul-
“ tipharie sciderat, ad integritatem satagebat
“ pristinam revocare. Quicquid enim ab illo tunc
“ fuerat datum vel ponderose venundatum, sub
“ nomine repetiit commodati; & regiarum posses-
“ sionum emptoribus dicens, non decet sublimitati
“ regię fœnerari. Illi autem emptores mox regio
“ metu attoniti, nulla habita quæstione de sorte
“ non percepta, confestim omnia resignarunt.”

In two years of this reign, viz. ann. 1195 and 1196, there were actually raised in this kingdom 1,100,000 marks, which is more than was really levied in any two years of the late war; for if we consider the value of money in those times, and

* Graft. Chron. p. 90. † Hen. de Knyghton. col. 2408.
Nº. 49. ‡ Chron. Johan. Brompt. col. 1259. Nº. 10.

the proportion it bore with other commodities, 1,100,000 was more then, than 11,000,000 are now. Hubert the Archbishop of Canterbury writing to the King for leave to quit the ministry shews.
 “ * Quod infra biennium proximo præteritum
 “ adquisierat ad opus illius undecies centena millia
 “ marcarum argenti de regno Angliæ.” The raising this vast sum is an evident sign how willing the people of England have in other ages been to give aids and subsidies to martial princes.

After Richard, King John was elected. This was a reign of civil war, taxes, and profusion; and the character Robert the clerk gave of this Prince to Miramamolin the Moor, was very true and remarkable. “ † Potius fuit tyrannus quam
 “ Rex; potius subversor quam gubernator; oppressor suorum & fautor alienorum. Leo suis
 “ subditis, agnus alienigenis & rebellibus, qui per
 “ desidiam suam Normanniæ ducatum & alias
 “ multas terras amiserat; & insuper Angliæ regnum amittere vel destruere sitiebat. Pecuniæ
 “ extortor insatiabilis; possessionum suorum naturalium invasor & destructor.”

But these wastes were looked into in the reign of Henry the III^d, King John's son and successor; not by the Prince himself, who was no better a manager than his father; but by the barons. Knyghton says, that after Lewis and the French were driven away, “ ‡ Omnes alienigenæ ejecti
 “ erant de Anglia & omnia castella quæ Rex
 “ Johannes donaverat & tradiderat in custodiam
 “ alienigenarum fuerunt reseisita in manu regis.” This King laying open his necessities to the barons and his council, said, The crown revenues would scarce afford him meat and drink. To whom they

* Ro. Hovedon, p. 767, 768.

† M. Paris, p. 244.

‡ Knyghton col. 2429. N^o. 40.

answered,

answered, He might be rich out of his own, if he would set some bounds to his liberality, and look into his own affairs, and into the proceedings of some of his officers : they named no body to him, but he understood whom they meant, and called several of his ministers to accompt, and brought them to restitution. The words of the historian in this place are very observable, when the King had laid open his wants. “ * Tunc consiliarii regis responderunt, si pauper es tibi imputes, qui honores & custodias ac dignitates vacantes ita in alios transfers, & a fisco alienas ; quod nec in divitiis auri vel argenti, sed solo nomine rex debeas appellari. Nam antecessores vestri, reges magnifici & in omni divitiarum gloria ditissimi, non aliunde, sed ex regni redditibus & emolumentis, thesauros impreciables congregaverunt. At Rex ab eis instructus, quas nominatim exprimere tutum forsitan non esset coepit a vicecomitibus & ballivis, aliisque ministris suis, de redditibus & rebus omnibus ad fisci commodum spectantibus, ratiocinium exigere : et quoslibet de fraude convictos, a suis officiis deponens, exegit ab eis pecuniam suam, etiam cum usuris ; & tenens coarctabat eos, donec redderent debitum universum.” This Prince was the first who brought strangers into his councils, and the management of his business ; Poictevins and Britons, to whom he gave all the power, and among whom he lavished all his crown revenue, and the treasure of the kingdom. “ † Invitavit paulatim tot Pictavensium legiones, quod totam fere Angliam repleverunt, quorum Rex agminibus quocunque pergebat, vallatus incescit.” But in 1234 he was compelled by his barons to banish these strangers :

* M. Paris, p. 376.

† Ibid. p. 386.

yet he returned quickly to the same bad measures, infomuch, that his brother Richard, Earl of Cornwall, told him, that he robbed his own country to give it to strangers, and the kingdom's enemies. In this loose reign, the * money of England was corrupted: but nothing angered the people more than the immoderate wealth he bestowed upon foreigners, namely, his brothers by the mother, and particularly to his Poictevins; “ † Eschaetas & “ reditus vacantes, alienigenis ignotis, illiteratis, “ scurrilibus, & penitus indignis non destitit dis- “ tribuere, ut sic suorum naturalium corda insana- “ bilius fauciaret.” While things were thus governed, private men enriched themselves with the publick spoil, as for example ‡ John Mansel, who brought his estate to 4000 marcs per annum. But at last at a parliament held at Oxford, § Peter of Savoy, William de Valence, and the Bishop of Winchester, the King's half brothers, with the other foreigners, were banished, “ Ubi statutum “ erat || quod ad terras suas quas in partibus “ transmarinis habebant transfretarent.” And that immoderate wealth they had gathered here, was not permitted to be carried away, but was ** seized upon, and confiscated to the King's use. In this colloquy, the Barons told him, that he was in debt, and ruined by the strangers about him, who had consumed all, so that he was forced to give tallies for the victuals of his table. “ † Do- “ mine Rex, inter manus alienigenarum res utique “ tua male agitur & diversimode tractatur, nam “ consumptis universis multo jam deprimeris, ære “ alieno, & datis pro cibariis tuis talleis, versus es

* M. Par. p. 733. 747.

† Ibid. p. 850. ‡ Ibid. p. 859.

§ Ibid. p. 973.

|| Knyghton col. 2445. N^o. 40.

** M. Par. 973.

‡ Knyghton col. 2445. N^o. 10.

“ in scandalum in omni populo tuo :” The consequence of this profusion, was grievous taxes ; the taxes produced discontents, these discontents, encouraged Simon Montford and others to begin that civil war, in which this King had been lost, but for the courage and conduct of his son.

In the reign of Edward the Ist, we do not find there was any resumption ; but anno 1289, the legislative authority did very wisely interpose in correcting the abuses of Westminster-Hall, * fining all the judges for their corruptions and extortions. Sir Ralph Hengham (who had been Chief Justice of the higher bench, and Commissioner for the government of the kingdom, in the King’s absence) paid 7000 marcs ; Sir Edward Stratton paid 34,000 marcs ; Thomas Wayland, found the greatest delinquent, forfeited all his estate : the whole set paid among them 100,000 marks, which, for those days, was a prodigious sum.

The next reign of Edward the IId, gives the prospect of civil wars, treachery, bloodshed, and a view of all the calamities that are the consequences of a riotous and profuse court.

The unbounded favour of this prince to his minion Pierce Gaveston made Earl of Cornwall, and the waste which the said Earl had made in the crown-revenue, so provoked the peers, that they never rested till they had obtained an instrument empowering several ecclesiastical and lay lords, to make certain ordinances for the good of the kingdom, which instrument, and ordinances made by virtue of it, were afterwards ratified in parliament.

Among other things, it was then ordered, That the crown-revenue should not be alienated.

* Vide Dan. p. 160. Mat. West. p. 414. No. 10, and Knyghton col. 2466.

† Derecheif ordein est pur les detres le Roy
 acquiter, & son estate relever, & le plus ho-
 nourablement maintenir, que nul don de terre
 ne de rent, ne de franchise, ne d'eschete, ne de
 gard ne mariage, ne baillie se face a nul des
 ditz ordenours durant leur poer del dit ordein-
 ment, ne a nul autre fauns conseil & assent
 des dits ordenoures, ou de la greinder partie de
 eux au moins, mes totes les choses desquex
 profits poit furdre soient enpruees al profit le
 Roy jusques son estat soit avenantment releve,
 &c.

There is this remarkable in the record, That they bound up themselves, as well as others, from receiving any part of the King's lands, as we may suppose, not thinking it fair for them who had the power, to keep the purse shut to others, and to open it for themselves.

They took likewise care of a resumption. † ' Et
 puis derecheife pur se que la corone est tant
 abeiffec & demembre par diverses donns, nous
 ordinons, qe tous les donns qe sont donez au
 damage du Roy & descresse de la corone, puis
 la commission a nous fait, des chasteaux, villes,
 terres, & tenements, & baylez, gardez, & mar-
 riages, eschetes, & reles queconques queles foint,
 aussibien en Gascoin, Irland, Gales & Escoce,
 comme en Engleterre, foint repellez & nous les
 repellons de tout, sanz estre redonnez a meismes
 ceux, sanz comun assent en parlement: et que
 si tien maner des dons ou reles foint deformes
 donez encontre la form avantdit, sanz assent
 de son barnage, & ce en parlement, tant qe ces
 dettes foint acquittees & son estate avenantment
 releves, foint tenus pour nuls, & soit le pernour
 puny en parlement par agard del barnage.

† Rot. Ord. 5 Edw, II. No. 3.

‡ Ibid. No. 7.

It is true, these ordinances were revoked in the * parliament which this King held at York, the 15th of his reign, just after he had defeated and put to death Thomas, Earl of Lancaster, with many other of the barons. But his rigid proceeding with those who had fought in defence of their country's freedom, and his immoderate favour and bounty to the Spencers, Earls of Winchester and Gloster, with all his other misgovernment, lost him both his crown and life, in a short time after.

It is to be presumed, that what the parliament had done in Edward the IIId's reign, to hinder the favourites from making depredations upon the crown-revenue, had effectually stopped the evil, because we do not find there was any need of an act of resumption in Edward the IIIId's time.

There is no part of our history more remarkable than the life of Richard the IIId, grandson of Edward the IIIId; and no times afford so many precedents of liberty asserted, and of the excesses of regal power, with the corruption of bad ministers, as this unfortunate reign: but misgovernment will of necessity bring on good laws in the end: the lavish temper of this Prince, his unreasonable favour to the Duke of Ireland, to Michael de la Pool Earl of Suffolk his chancellor, and others, with his loose and careless administration, produced the parliaments of 10th, 11th, and 13th Richard the IIId, by which his power was circumscribed and bounded. It is true 21 Richard the IIId, he procured a repeal of what had been formerly settled by parliament for welfare of the kingdom, in which sessions he got iniquity esta-

* Great Statute Roll from Hen. the IIIId, to 21 Edw. the IIIId, M. 31. Bibl. Cott. Claud.

blished by a law; but the conclusion of all this mis-government was, that he incurred so much the public hatred as to be deserted by the whole people, and in a solemn manner to be deposed.

The excesses of the court, and rapine of the ministers in those days, and towards the latter end of Edward the III^d, produced acts of resumption.

The Commons pray that all kind of gifts whatsoever, made by King Edward the III^d, may be examined; if worthily bestowed, to be confirmed, if otherwise to be revoked. * ‘ Item ils
 ‘ prient, pur ceo que la corone est moult abaisse
 ‘ & demembre pardivers donns donez en temps
 ‘ de notre Seignour que Dieux assoille, & queux
 ‘ donns il estroit malement deceux & en plusieurs
 ‘ personnes malement emploies, come home le poet
 ‘ declarer, a grand damage de lui, & de notre
 ‘ Seigneur la Roy q’ore est, si bien des chasteaux,
 ‘ villes, terres, tenements, baillez, gardes, mar-
 ‘ riages, eschetes, & releves, aussi bien en Gas-
 ‘ coigne, Irlande, come en Engleterre, qe plesse a
 ‘ notre Seignour le Roy, & son conseil faire exa-
 ‘ miner par les rolles de chancellerie, du temps
 ‘ notre Seignour le Roi, qi Dieux assoille, queux
 ‘ donnes, & a queux, & quelle somme ils amon-
 ‘ tent qi aviendront, a trop haut somme sans
 ‘ doute, & qe sur ceo ils soient sagement examinez,
 ‘ asqueux ils estoient donez notablement & profi-
 ‘ tablement, pur le Roi & le roialme, & es queux
 ‘ notre dit Seignour estoit deceux, & ses donns
 ‘ malement employez, & queux tous ceux as-
 ‘ queux notre dit Seignour estoit deceux, & qi
 ‘ sont malement employes, y puissent estre de tout
 ‘ repelez, sanz estre redonez as memes ceux, ou a
 ‘ nul autre, tanqe ses dettes soient acquites &

* Rpt. Parl. 1 R. II. No. 48,

lestat de nos tres honoures Seigneurs les fitz de
notre Seigneur qi Dieux assoile, qi sont poures a
leur estat, y purra avenamment per ascuns des
ditz donns ette relevez, & soit le pernour quensy
ad notre dit Seigneur deceux punis en cest pre-
sent parlement, selonc son desert par agarde de
barronage, en supportation du charge qe le com-
mune people y convient porter: ratifiantz &
confirmantz a ceux qi ont deserve, les donns en
manere come notre dit Seigneur, qi Dieux as-
soile, leur avoit grantez considerant a chescun
son longe service, & son desert, & regardant
fil please a notre Seigneur, as tous ceux qe servi-
rent a nostre dit Seigneur, son aiel, qe sont sans
rewarde pur lour service.

Resp. Les Signeurs de continuel counseil
ferront chargez de veer & examiner lez ditz
donns, & les conditions estates & deserts des
personnes & en ultre fair ce qe reson demande.

Anno 3 Richard IId, The Speaker says, if the
King were reasonably governed in his expences,
within and without the realm, he should have
little need to charge his commons, who were
already much impoverished. * Dist qe lour
sembloit a la dite commune, que si lour Seig-
neur lige eust este bien, & reasonablement gover-
nez en ses despenfes par dedeins le royalme, &
autrement, il neust ore besoigne de leur aide,
per chargeant sa dite commune, quore est trop
poure, &c.

Anno 5 Richard IId, The King says, he will
make no grant without the assent of the Lords of
his council, till he shall be out of debt. † Item,

* Rot. Parl. 3 Rich. II. N°. 12.

† Rot. Parl. 5 Rich. II. P. 1 N°. 74.

‘ Prient les communes, qil plese au Roi notre
 ‘ Seigneur, qil puisse au present estre escript en
 ‘ rolle de parlement, coment ordenez est, per lui,
 ‘ nos autres Seigneurs, & toute la commune, qe
 ‘ de desore en aprez, nul donn de terre, de rente,
 ‘ de garde, ne de mariage, ne de uul manere
 ‘ eschete soit grantez a nulluy, tanqe le Roi notre
 ‘ dit Seigneur soit hors de dette, & hors des tielx
 ‘ charges de guerre, come y ad au present, & si
 ‘ aucune persone demande aucune donn au con-
 ‘ traire de cette petition perde les service &
 ‘ compagnie notre dit Seigneur pur toujours apres.

Resp. ‘ Il ne semble mye honest ne chose
 ‘ chose honourable au Roy, ne a sa dignitee, qil
 ‘ se lieroit a telle guise peront il ent fust si oultre-
 ‘ ment constreint, mais plect au Roy & il voet par
 ‘ le bien de luy mesmes & de son roialme, soy
 ‘ restreindre, & abstenir a doner ou granter a au-
 ‘ cune persone, terre, rente, garde, mariage, ou
 ‘ eschete, sans lassent & accord des seigneurs &
 ‘ autres de son conseil.’

Anno 6 Richard IId, The Commons among
 other things pray, that the King will appoint good
 orders about his person, so as he may live within
 his revenues, and that all profits and gifts may be
 employed upon the wars, to the ease of the com-
 mons. ‘ * Come autrement ordeigner, qe bone
 ‘ governail soit mye entour votre honourable per-
 ‘ sone, si qe vous purres honestement & roialment
 ‘ viver, deinz les revenues de votre roialme, & qe
 ‘ toutes maneres des gardes, mariages, releifs,
 ‘ eschetes, forfaitures, & toutes autres commodi-
 ‘ tees, puissent estre gardes pur vos guerres, & en
 ‘ defens de votre roialme, & nul part aillours

* Rot. Parl. 6 Rich. II. N^o. 42.

‘ donez en supportation & aide de vos pources
‘ communes & grant honour & profit a vous.

Resp. ‘ Le Roy est de bone voluntee & le de-
‘ sire moelt entirement de fair & ordonner en ce
‘ cas per lavis des seigneurs de son roialme ce qe
‘ luy semblera mieulx affaire pur son honour &
‘ profit.’

Anno 9 Richard the IId, it was enacted, that
all the revenues, as well in the Exchequer, as
elsewhere, should be laid up for one whole year,
without any diminution thereof by gift. † Item,

‘ Que ordein soit en especial qe tous les revenues
‘ nostre seigneur le Roy, si bien en l’Eschequer,
‘ comme aillours, soient sauvement gardez per un
‘ an entier sans estre donez a uully per uul grant,
‘ en supportation de nostre seigneur le Roy, & de
‘ son people qe plesse a nostre seigneur le Roy de
‘ charger & commander les seigneurs du conseil,
‘ ses officiers en plein parlement, qe rien ne soit
‘ fait au contraire.

Resp. ‘ Le Roy le voet.

Anno 11 Richard the IId, The Commons pray,
that no hereditaments, or other profits, then es-
cheated to the King, be granted to any during the
wars, and that no person presume to crave any of
the same. ‡ Item prient les communes, qe
‘ toutes maneres de seignouries, terres, tenements,
‘ rents, services, biens, possessions & chateaux
‘ qeconques, forfaits a nostre Seigneur le Roy,
‘ per cause des jugemens rendus devers les
‘ persones adjugez en cest present parlement, &
‘ auxint toutes autres terres; tenements, eschetes,
‘ forfeitures, gardes, mariages, & autres profits
‘ qeconques quetux sont, ou deviendront en la meins

† Rot. Parl. 9 Rich. II. N°. 42.

‡ Rot. Parl. 11 Rich. II. p. 1. N°. 24.

‘ du Roi per queconque cause demoergent entirement
‘ en la main du Roy nostre Seigneur durant les
‘ guerres, pur acquiter ses dettez & en eide de
‘ meintenir son estat & ensement eu ease and sup-
‘ portation de ses pauvres communes du roialme
‘ nient contrestant ascun grant ou garrant fait a
‘ ascunnys avant cestheures & que nul homme
‘ greindre ne meindre, en l’hostiel du Roy, ne
‘ entour la persone du Roy ne autre queconque, de
‘ quel estat ou condition quil soit, en privee, nen
‘ appert, soit sy hardy a demander ou preinder de
‘ donn nostre Seigneur le Roy, ascuns des Seig-
‘ niouries, terres, tenements, rents, services, biens,
‘ possessions, eschetes, forfeitures, gardes, mar-
‘ riages, chateaux, ou profits fufdits, ou autres
‘ profits, on revenues queconques, durant les guer-
‘ res, come dessus, sur peine de forfaire le double
‘ devers nostre Seigneur le Roy, & repelle de
‘ mesme la chose illint demandez, & etre reint &
‘ imprisonnes a la volonte du Roy. Purvus toutes
‘ voys, que si ascun home eit terres tenements ou
‘ possessions du grant notre Seigneur le Roy, ou
‘ dascuns de ses progeniturs, queux furent parcelles
‘ de la corone, que per bon trette enter le conseil
‘ du Roy & les possesseurs des tieux terres & tene-
‘ ments, mesmes les terres tenements & possessions
‘ poient estre rejoins a la dite corone, a profit du
‘ Roy, grantants autres terres tenements ou posses-
‘ sions de les forfaitures avant ditz en eschange
‘ pur les terres tenements & possessions de la coro-
‘ ne fufdite, & sy les Seigneurs ou autres qi ont
‘ terres ou tenements de la corone, come dessus,
‘ ne voellent volontairement a ce assentir, ne ac-
‘ corder, qils eint & enjoient leurs terres & tene-
‘ ments de la corone avant ditz, come ils ont eu
‘ a devant, & que les grants officiers du roialme
‘ par avis des Seigneurs du conseil, eient poer de
‘ vendre

‘ vendre parcelles deles dites forfeitures per leur
‘ bone discretion, & qe le grant sur tiel vendue
‘ soit ferme & estable.

Resp. ‘ Le Roi le voet, forpris d’ offices &
‘ baillis, & ce qil a donne en cest present parle-
‘ ment, issint, qendroit de forfeitures adjuges en
‘ cest parlement, si ascun pretend davoir droit ou
‘ interest en icelles, sue au conseil, fil luy semble
‘ affaire, & droit luy sera fait.

The misgovernment of this prince not only in his revenues, but in all the duties of his high office, with his profusion and partiality to his favourites, made way for a very great revolution, and drew on so much hatred of the people, as at last all his subjects withdrew their allegiance from him, and chose another, King Henry the IVth, his cousin german.

Anno 1. Hen. IVth, The commons pray, that the lands, parcel of the crown revenue, granted away by Edward IIIrd, and Richard IIrd, may be resumed. ‘ † Item, Touchant terres, tenements,
‘ & rents, ou autres possessions, queconques, qe
‘ furent parcelle de la corone, ou des Seignouries
‘ de la corone, en temps Seigneur Edward le
‘ tierce, Roi d’Engleterre, ou en temps Richard,
‘ darrein Roi d’Engleterre, nient donez per assent
‘ du parlement, ne en eschange pour autres terres,
‘ ore demurantz a la corone, qe toutz y ceux soient
‘ joints arerea la corone; purveu toutefoitz, que
‘ si ascun Seigneur de lestete Chivaler, ou Esquire
‘ pur son travaille duement deservy, eit pur terme
‘ de sa vie, & nient autrement, qil ne soit rebote
‘ dicelx, devant qil soit autrement guerdonez &
‘ semblablement seit feat dela Principalte de
‘ Galles, de Cornwailee, & de Cestre & reservez

† Rot. Par. 6 Hen. IV. N°. 100.

‘ tout foits, as citeins & burgeys, parmy tout le
 ‘ roialme, lour libertees & franchises, & a lour
 ‘ heirs & fucceffors.

Resp. ‘ Le Roi fadviefera, & par bone advys
 ‘ & discretion ent fera due remedie.

Anno 5 Hen. IV. The commons pray, that
 the King would provide for the repairing of his
 castles and houses, and namely, for his castle at
 Windfor which was greatly in decay, and not to
 grant away the profits of those castles, and
 houses, and notwithstanding to stand to the repair
 of the same, without which, he could not but run
 to the great charging of the commons. * ‘ Et
 ‘ auxint les dicts communes monstrerent, coment
 ‘ les chastellx & autres manoirs du Roi sont molt
 ‘ ruineufes, & embusoignant de grand repris, &
 ‘ reperation, & coment les profits dicelles sont
 ‘ donez as diverses persones, & le Roi supporte
 ‘ les charges, come per especial, le chastel de
 ‘ Windefore, a quel feust assignee certain commo-
 ‘ ditie, pur la reparation dicelle, & ore mesme
 ‘ la commoditie est donnee as certaines persones, &
 ‘ le Roi supporte les charges & auxint es autres
 ‘ places, les gentz preignent les profits de
 ‘ herbage, & del vert, deins diverses ses parkes,
 ‘ & bois, & le Roi supporte les charges de le
 ‘ enclosure dicell, & pur cestes importunes char-
 ‘ ges, & plusieurs autres, & pur les plusieurs
 ‘ douns des chastellx, terres, & feignouries, &
 ‘ des annuites, faits & donez nient dúement, ne
 ‘ descreteinment, & par especial pur les grandes
 ‘ charges & depenses de le hostel du Roi, & pur
 ‘ amendement des tielx meschiefs faire, & pur
 ‘ ouster tielx inconveniences en apres, en suppor-
 ‘ tation del commune people, les communes

* Rot. Par. 5 Hen. IV. N°. 10.

‘ prierent au Roi moelt entierment, & cordiale-
 ‘ ment, qe confiderez les perils imminentes, de
 ‘ toutz parts per ses ennemys, & rebelx, comes
 ‘ yont novelx de jour en autre, & coment le cas
 ‘ est tiel, qe si tielx meschiefs ne soient graceouse-
 ‘ ment remediez, & refourmez en cest parlement
 ‘ y purroit estre qe sur soudeins novelx de arrival
 ‘ des ennemys, ou per autre voix, mesme cest
 ‘ parlement de necessite seroit de tout depurtiz, &
 ‘ dissolvez, & jamais les Seignours ni les commu-
 ‘ nes se re-assembleroient, pur remedee ne redresse
 ‘ faire, sur les meschiefs susdits, & autres qe
 ‘ Dieux deffende.

It appears by the purport of this petition, that
 there were certain lands and rents set aside, or
 assigned for the repair of Windsor-castle, that
 ancient seat of our Kings, and sacred to the ho-
 nours and ceremonies of the Garter, and therefore
 particularly provided for with a revenue, by the
 wisdom of our fore-fathers; yet it seems these
 lands so annexed to Windsor, were at that time
 granted away to some great man, or craving
 courtier: But this the house of commons did not
 then think reasonable.

And the remonstrance thereupon made, was
 kindly taken by the King: for he answered the
 petition in person from the throne. † ‘ Et sur
 ‘ ceo mesme nostre Seignour le Roi moelt graci-
 ‘ ousement de son bouche propre, en plein parle-
 ‘ ment, chargea & commenda si bien tous les
 ‘ ditz Seignours, come les ditz Communes, qils
 ‘ faorient lour diligence & luy montreroient leurs
 ‘ bons & seins conseilx, celle partie, pur aide de
 ‘ luy, & de tout son roialme.

‘ Et puis apres les dits communes en mesme
 ‘ le parlement firent requeste as ditz Seignours,

† Resp.

G 4

‘ qe

‘ que come le Roi leur avoit donne tiel charge,
 ‘ & mandement, & ceo en si haute court de re-
 ‘ cord, qils fairoient leur diligence bien & loyal-
 ‘ ment sans curtosie faire entre eux, en aucune ma-
 ‘ nere, come ils voloient respondere devant lue
 ‘ Dieux tout puissant, & devant nostre dit Seignour
 ‘ le Roi, & a tout le royaume en temps avenir, &
 ‘ que de sur ceo mesme les communes ent fairoient
 ‘ semblablement de leur partie, & disoient outre
 ‘ mesme les communes, a nostre dit Seignour le
 ‘ Roi, que cestes matiers ensi faits, & accomplez
 ‘ en cest parlement, il leur troveroit foialx & na-
 ‘ turelx liges devers luy de parfaire son plaisir, &
 ‘ vouloir a leur poiar par le aide de Dieux.

It is probable, this seasonable care of the house of commons rescued for that time, the lands belonging to Windsor castle, for from that time these lands continued in the demans of the crown, till very lately.

And some years after, viz. anno 31. Henry the VIIIth. there passed an act of parliament expressly to annex several manors by name to the castle and honour of Windsor, not to be alienated from it; so careful were our ancestors that this noble and ancient seat of our Kings, should have some revenue to keep the house and parks in good repair.

In the same year, of Henry the IVth. the Commons rehearsing, how King Edward the IIIrd. in the parliament holden in the 11th. of his reign, created his eldest son Duke of Cornwall, and the same dukedom annexed to the crown, with divers hereditaments by his letters patent, by authority of the same never to be dismembered, or sold away. They therefore pray the King to resume and seize, and so to unite again to the said dutchy, such lands as were sold away by Prince Edward,
 King

King Richard, or by the King himself. * ‘ Non
 ‘ obstants encorporation ou union de quel duchee
 ‘ per une haute authorite ensi parfaite, puis encea
 ‘ est demembrez, si bien per diverses alienations
 ‘ faitz per le avant dit Edward nadgaires Prince,
 ‘ come per le darreine Roy Richard, qe fuist, &
 ‘ per vous.

‘ Que pleise a vous de vostre haute discretion, ove
 ‘ le avis de tous seignours esprituelx & temporelx,
 ‘ en cest present parlement assemblez, considerantz la
 ‘ union dudit Duchee, en la manere avantdite,
 ‘ fait de requiler tout ceo, qe dedit Duchee est
 ‘ demembrez, & per authorite de parlement de
 ‘ reseiser & rejoindre a dit Duchee, come il fust
 ‘ a devant non obstant ascune alienation.

‘ Qele petition lue & entendue fuist respon-
 ‘ dus en les parolles quenfuent.

‘ † Accordez est per le Roi, & les Seignours en
 ‘ parlement, qe le dit Mounseignour le Prince,
 ‘ per lavys de son counseil, eit briefs de Scir. fac.
 ‘ Ou autre recoverer le mieltz qil avoir purra,
 ‘ par les estatutes & leys du roialme, solonc ceo
 ‘ qe le cas requiert, &c.’ Wherein shall be allowed
 no protection, or praying in aid of the King,
 unless it be for Sir John Cornwale and Elizabeth
 his wife, late wife of John Holland Earl of Hunt-
 ington, and for such persons to whom the King is
 bound by warrantie. ‘ Sinon en cas qe le Roi
 ‘ soit expressement tenuz a la grantie, &c.’

Anno 6 Hen. IVth, the commons pray, ‡ That
 the King would resume the crown-lands. ‘ Pleise
 ‘ a tres excellent & tres redoute Seignour, nostre
 ‘ Seignour le Roi, pur profit du Roi, & encrefce
 ‘ de sa corone, & supportation des pauvres com-

* Rot. Parl. 5 Hen. IV. No. 22. versus finem.

† Resp.

‡ Rot. Parl. 6 Hen. IV. No. 14.

‘ munes, de vostre royaume d’Engleterre, granter
 ‘ les petitions qensuent.

‘ Pur ceo qe la corone del roialme d’Engleterre,
 ‘ est grantement emblemissiez, & anientissiez, per
 ‘ grandez & outrageouses dons, faits, as diverses
 ‘ persones, si bien esprituelx comme temporelx,
 ‘ des terres, tenements, fee fermes, franchises, li-
 ‘ bertees, & autre possessions dycelles, Soit ordeigne
 ‘ en cest present parlement, pur profit du Roi, &
 ‘ du roialme, & supportation des communes, qe
 ‘ tous chateaux, manoirs, seignouries, terres, tene-
 ‘ ments, fees & advoesons, fee fermes, annuitees,
 ‘ franchises, libertees, & custumes, queux fue-
 ‘ rent membre & parcelle dancienne inheritance
 ‘ de la dite corone, le an du regne le Roi Edward
 ‘ aiel nostre Seignour le Roi qorest quarantisme,
 ‘ & puis en cea, soient ils donez a terme de vie,
 ‘ ou a terme de ans en fee simple, ou en fee taile,
 ‘ ou sur condition, ou as Seignours esprituelx, a
 ‘ eux, & a lour succeffours, forsprises gardes,
 ‘ mariages, & eschetes & horspris ceo qest assigne
 ‘ a reigne, en dower, soient entierement resumes,
 ‘ repris, & seises, es maines nostre Seignour le Roi,
 ‘ & rejointz al corone avant dite, a y celle perpe-
 ‘ tuellement demeurer, sans ent per aucune voie ou
 ‘ ymagination estre severez dicelle, en temps avenir,
 ‘ forsque ceux qont tieux dons ou Grants qe furent
 ‘ parcelle del dite corone le dit an quarantisme
 ‘ ou depuis per chartre especiale, faite par autho-
 ‘ rity de parlement: Et qe nulles persones du
 ‘ roialme, de quel estat ou condition qils soient,
 ‘ ne eient, tenient, ne enjoient, parcelle del co-
 ‘ rone avant dite, de ancienne enheritance dicelle,
 ‘ alienez, grantez, ou donez, puis le dit an qua-
 ‘ rantisme, sans autoritee de parlement, sur peine
 ‘ de incurrer la forfeiture dicelles terres & tene-
 ‘ ments, ensy parcelle del dit corone, & empri-
 ‘ sonement

sonement per trois ans : Et qe nul officier de
nostre Seignour le Roi face ne mette en execu-
tion aucune tiele donne ou grant en temps avenir,
sur peine de perdre son office, & de forfaire
qanqe il purra forfaire, envers notre Seignour le
Roi, & le emprisonement de trois ans : Et qe
toutes maneres de persones, ou officers & mi-
nistres du Rois ceux ont auscun don ou grant
des ascuns tieux chastelx, seignouries, manoirs,
terres, tenements, fees, advoesons, fee fermes,
annuites, franchises, libertees, & custumes, suif-
ditz, ceux issint sont parcelle dancienne inhe-
ritance de la dite corone, apres ceo qe les paie-
ments affaires pur le houstiel du Roi ses cham-
bres & garderobes soient pleinement paieez ou
assignes, & la reigne paieez de sa dower, & due-
ment endowez, soient recompensez a la volonte
du Roi de la surplusage, & residue des fermes
& annuitez suifditz. Purveux toutezfoitz qe
toutes les seignours esprituelx & temporelx, q
ont aucunes libertees & franchises de don nostre
Seignour le Roi qorest, ou de ses progenitours
puis le dit an qarantisme, & paient fee ferm a
la verray value pour ycelles, ou ent rendent due
acompte al oeps nostre Seignour le Roi, chescun
an, a son eschequer, & aussi tous les citees &
burghs deins le royaume d'Engleterre qont fran-
chises & libertees du grant nostre Seignour le
Roi, ou de ses progenitours, Rois d'Engleterre,
& confirmez per nostre Seignour le Roi qorest,
pur fee fermes annuellement a paie a nostre Seig-
nour le Roi, ou qont fait fyn pur y ceux fran-
chises avoir a nostre Seignour le Roi qorest, ou a
ses progenitours ne soient oustez ne disheritez de
leur franchises & libertees, mes aient & entiere-
ment enjoient toutes les ditz libertees & fran-
chises, & toutes autres leur libertees & fran-
chises,

‘ chises, a eux grantez puis le dit an quarantisme
 ‘ pur releifnement des fee fermes, encrefse & for-
 ‘ tification des ditz citees, & burghs seloncqe la
 ‘ fourme & effect de lour chartres, ent faites, cest
 ‘ ordeignance nonobstant, purveu ensement qe
 ‘ nostre tres excellente dame la reygne, ne les Fitz
 ‘ du Roi, ne soient contenuz sous la constreint
 ‘ de cest estatute, ou ordeignance, purveu auxi qe
 ‘ ceux qont purchasez de Roi Richard terres ou
 ‘ tenements, ceux furent a aucunes persones fore-
 ‘ jugez a parlement tenus a Westminstre lan un-
 ‘ fiesme du regne dudit Roi Richard ne lour heires,
 ‘ soient oustez ne molestez de lour terres & tene-
 ‘ ments avantditz per vertue de cette ordeignance.

‘ * Item qe tous tonelx & pipes des vyns,
 ‘ des prises de Roi, & autre pipes & tonelx des
 ‘ vyns, grantez a aucunes persones, de quel estat
 ‘ ou condition qil soit, per nostre Seignour le Roi,
 ‘ qorest ou per ses progenitours, a terme de vie,
 ‘ ou a terme de ans, soient entierement resumes es
 ‘ mains du Roi.

‘ † Item que toutes dons & grantz des chastelx,
 ‘ manoirs, terres, tenements, fermes, rents, an-
 ‘ nuitez, libertees, & franchises, ou possessions qe-
 ‘ conques, faitz per le Roi Edw. aiel nostre Seig-
 ‘ nour le Roi qorest, ses ancestres ou progeni-
 ‘ tours, devant le dit an quarantisme del regne
 ‘ dudit Roi Edw. as persones del roialme si bien
 ‘ as esprituelx, come temporelx, a terme de vie, a
 ‘ terme de ans, en fee taille, ou en fee simple, ou
 ‘ as aucuns en mortmaine, a eux & a lour suc-
 ‘ cessours, ou as citeins & burgheis de citees &
 ‘ burghs, & as ceux des cinq ports, a eux & a
 ‘ lour successeurs, de assent nostre tres graceouse
 ‘ Seignour le Roi, les seignours esprituelx, & tem-

* Ibid. No. 15.

† Ibid. No. 17.

‡ porelx

' porelx & communes en ycest parlement assen-
 ' blez, soient solonc le effect de lour estates, per
 ' estatutes ent en cest parlement affaire, confermez
 ' & ratifiez sans estre en aprez adnullez, repellez,
 ' ou revoquez; purveu toutes foitz, qe dons ou
 ' grants des chastelx manoirs terres & tenements,
 ' fee fermes, rents, annuites, libertees, franchises
 ' ou possessions qeconques faitz devant le dit an
 ' quarantisme as auscunes a terme de ans, terme
 ' de vie, ou en le taille, en qele case la reversion
 ' est reservee au Roi maintenant aprez le estate
 ' determine tieux chateaulx manoirs, terres, tene-
 ' ments, rents, annuities, libertees, franchises &
 ' possessions qeconques soient revertible au Roi
 ' come a la corone & issint soient rejointz a la
 ' corone sans estre en nulle manere departis ou
 ' severes en temps avenir.

' La responce fait per le Roi de ladvys & assent
 ' des seignours esprituelx & temporelx a les pe-
 ' titions dessus escripts. Queux le Roi voet metre
 ' en execution en tout le haste possible.

' * Responce en Engleis as dites petitions, And
 ' for as much, that the commons desiren that the
 ' King should live upon his own, as good reason
 ' asketh, and all estates thinken the same, the
 ' King thanketh them of their good desire, will-
 ' ing put it in execution, als soon as he well may.
 ' And because the commons desiren, that al that
 ' longed to the corone the fortie year of King
 ' Edw. and sith, hath bee departed, should be
 ' resum'd, to that intent, that the King might
 ' better leve of his own: And foralsmuch that it
 ' may noght be known unto the King, which is
 ' of the crown, and which is not, without more
 ' examination ne what hath be granted sith the
 ' fortie

* Ibid. No. 20.

‘ fortie yere of King Edward unto this time, the
 ‘ King’s intent is to assign certain lords spirituels,
 ‘ and certain lords temporels, and all his justices,
 ‘ and his serjeants, and all other such as him list
 ‘ name, for to put in execution als far as he may
 ‘ by the law of his land or by his prerogative or
 ‘ liberty all the articles contained in the petition
 ‘ of the commons in all hast that he may in dis-
 ‘ charge of his people.’

But this good care of the house of commons for the King’s welfare, had no other effect than to procure, that the lands, rents, profits and annuities so granted away, should be seized into the King’s hands for one whole year; but the reason of this may be easily seen in the record it self. A great part of these lands were got into the hands of the clergy. The words of the record are, Outragious grants made to divers persons, as well spiritual as temporal. “ Outrageouses dons
 “ faits as divers persons, si bien espirituels,
 “ comme temporels.” The people were in that age very superstitious, as appears by the severe
 * act which passed two years after against the Lollards; and where the people is superstitious, the clergy never fail to have the chief power; and by their interest, in all probability, it was procured, that the nation could then be relieved only with one year’s profit from those grants; and because this after-act militates so directly with what the commons had done just before, there are good grounds to think, that the last project began in that house, which was then influenced by the Lords spiritual. But we shall produce the record itself, to shew that the writer desires to handle this subject impartially, and to set every thing in a fair light.

* Vid. Rot. Parl. 8 Hen. IV. N^o. 62.

‘ † Item a confiderer les grants faits per pa-
 ‘ tentes deffous le grant feil du Roi, & de fes
 ‘ progenitours & predeceffours, as diverses per-
 ‘ fones si bien a terme de vie, come en fee simple,
 ‘ ou en fee taille, ou autrement, y ne feroit honest,
 ‘ ny expedient pur le Roi nostre Seignour, de
 ‘ faire repelle, revocation ou refumption des ascuns
 ‘ tielx patentes, & ceo si bien pur la clamour &
 ‘ autre Inconveniences, qent purront avenir as
 ‘ estranges parties, come deins le roialme d’Engle-
 ‘ terre, Et pur ouster tielx meschiefs, accordez
 ‘ est, qe chascun home & feme, de quel estat ou
 ‘ condition qils soient, qe ont ascuns annuites,
 ‘ fees ou gages, a terme de vie, ou des ans, du
 ‘ grant du Roi Richard, ou du Roi qorest, qils
 ‘ soefreront, & chascun de eux soefrera, mesmes
 ‘ nostre Seignour le Roi davoir & enjoier les dits
 ‘ annuites, fees, & gages, del feste de pasche
 ‘ darrein passe, tanqal lendemain de pasche pro-
 ‘ chain avenir; cestassavoir per un an entier.
 ‘ Purveu toutesfois qe les fees, gages & regar-
 ‘ de chancelier, tresorer, gardien du privee
 ‘ seal, justices de lun bank & de lautre, barons
 ‘ de leschequer, serjeants du Roi a la leye, & des
 ‘ autres officers & ministres des courts le Roi,
 ‘ ne soient restreints per vertue de ceste ordeinance,
 ‘ mais qils soient paieez come ils ont este ac-
 ‘ custumez de estre paieez, devant ces heurs.

‘ ‡ Item, Qe chascun home & feme, de quel
 ‘ estat ou condition qils soient qont ascuns chastelx,
 ‘ manoirs, terres ou tenements, rents ou autre
 ‘ possessions, quelconques, du grante du Roi
 ‘ Richard, ou de Roi qorest, qe ils soefrerent &
 ‘ chascun de eux soefrera mesme nostre Seignour
 ‘ le Roi, de avoir, & enjoier les profits de mesme

† Rot. Parl. 6 Hen. IV. N°. 21.

‡ Ibid. N°. 22.

‘ les chastelx, manoirs, terres & tenements, rentes
 ‘ & possessions ceux ils ont ensi a terme de vie,
 ‘ ou des ans, de le dit feste de pasche darrein
 ‘ passe, tanqa lendemayn avantdit. Et qe le Roi
 ‘ ent fait respondus a son eschequer: forpris fees &
 ‘ advoesons, gardes, mariages, & autres casuele-
 ‘ tees as chastelx, manoirs, terres, & tenements
 ‘ rentes & possessions avant dits appurtenants:
 ‘ et forpris les chartelx, manoirs, terres, tene-
 ‘ ments, rents & possessions, fee farmes, annuities,
 ‘ & les profits & commoditees, assignees au
 ‘ Reigne, en dower, ou donez ou grantez a les
 ‘ Fitz du Roi, & a chascun de eux: et forpris
 ‘ ceux qont ascuns annutees per grant ou confir-
 ‘ mation a eux ou a lour ancestres, fait en parle-
 ‘ ment: et forprises auxi les chastelx assises sur les
 ‘ marches Descoce, ou de Gales, ou sur les coustes
 ‘ de mer.’

But there seems to be given a power to the King, by his advice of council, to resume his lands from such as have more than they deserve.

‘ § Item, Qe proclamation soit fait en chascun
 ‘ contee d’Engleterre, qe toutes ceux qont ascuns
 ‘ annuitiees, chastelx, manoirs, terres, tenements,
 ‘ fee fermes, fees ou gages, ou autre grant
 ‘ qeconqe, dascune value annuelle, a terme de vie,
 ‘ ou des ans du grante du Roi Edward aiel nostre
 ‘ Seignour le Roi, puis le an qarantisme du dit
 ‘ Roi Edward, ou de Roi Richard, ou de Roi
 ‘ qorest, envoient ou portent devant le Roi &
 ‘ son counseil perentre cy & le feste de chande-
 ‘ leure prochain a venir, a pluistard, les copies de
 ‘ lour lettres patentes, a eux faits, per les Rois
 ‘ fuisdits, sur peine de forfaire mesme les lettres pa-
 ‘ tentes, au fyn qe nostre dit Seignour le Roi, per

advys de son conseil, purra ordeigner qe ceux
 qont fait bon service eient & enjoient lour dites
 lettres patentes, & les autres qe nount deservies,
 soient tout outrement oustez de leurs dites lettres
 patents : et auxint de ceux qont puis qe ne ont
 deserviez, qe le dit Roi, per advys de son dit
 conseil, purra faire moderation, come mieltz
 luy semblera.'

Anno 7 & 8 Hen. 4. The commons pray the
 King, That no lands to be conquered from the
 Welch, should be granted away in a quarter of a
 year, from the time such lands should be taken
 in: the King among other things answers, That he
 will not grant away such lands till he is informed
 of their value.

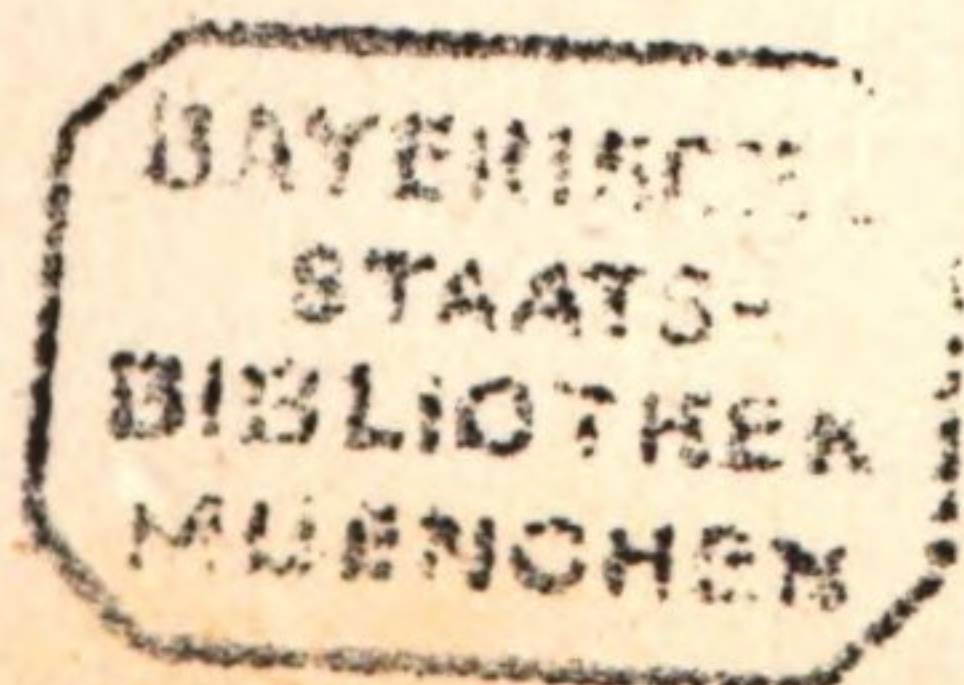
* Item, Le dit Mr. John pria pur les dits
 communes, qe les chatelx Seignouries, terres &
 tenements, en la terre de Gales, qe desore, per
 la grace de Dieu, seront conqis, ou gaignez, sur
 les dits rebealx, ne soient donnees a nully per le
 espace dun qarter dun apres ceo qils seront ensi
 conqis ou gaignez.

A qoy le Roi respondi, qil se veilloit abstenir
 de ascun tiel don faire a nully tanqe al temps qe
 il seroit enformez de la value dycelles : et si
 ascun tiel don deslors se feroit, qil le vorroit
 faire as tielx persones qe voillent demeurer sur
 la conquest de la terre de Gales suisdits.'

In the same parliament, the commons pray,
 That certain foreigners by name may be banished
 the kingdom, which the King agrees to, and in
 his writ to the sheriffs of London, directs, that
 such foreigners should produce such Grants of
 land, as they had obtained from him, the
 Queen, or from others. † Item, Samedy le 8

* Rot. Parl. 7 & 8 Hen. IV. N°. 15.

† Ibid. 29.

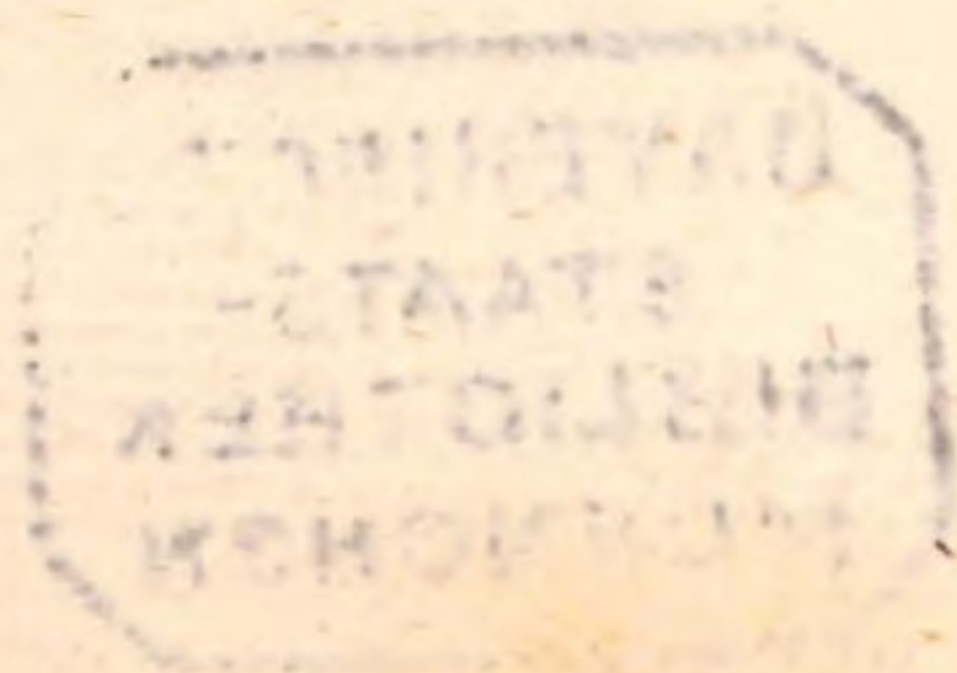


‘ jour de May a les souvent priers & requestes des
 ‘ communes, accorde feust per nostre Seignour le
 ‘ Roi, & les seignours esprituelx & temporelx,
 ‘ qe tous les aliens des ceux les noms sont com-
 ‘ prises en une cedula, laquelle feust livree al
 ‘ seneschal del houstiel du Roi, voidant la roialme
 ‘ devant un certain jour, compris en le brief de
 ‘ proclamation ent fait, come per la tenure
 ‘ dycelle brief, enroule en la chancellerie, y
 ‘ purra apparoir.’

And the King in his writ to the sheriffs, directs
 among other things, “ Quodq; omnes & singuli
 “ alienigenæ prædicti, qui aliqua terras, tene-
 “ menta, annuitates, sive concessiones quæcunq;
 “ in feodo simplici, vel talliato, sive ad terminum
 “ vitæ, vel annorum, ex concessione nostra, sive
 “ ex concessione charissimæ consortis nostræ Re-
 “ ginæ Angliæ sive aliorum ligeorum nostrorum
 “ per litteras, sive scripta, eis inde fact. obtinent,
 “ quovismodo, hujusmodi litteras sive scripta
 “ nobis in cancellaria nostra liberent indilate, ad
 “ finem quod visis litteris & scriptis prædictis,
 “ inde fieri jubere valeamus, quod de jure, &
 “ secundum legem & consuetudinem regni nostri
 “ Angliæ, fore viderimus faciendum.”

Anno 11 Hen. IV. The commons pray, That
 for ever hereafter no grant may be made of any
 hereditament, or other profits of the crown, ex-
 cept offices and bailiwicks, till the King shall be
 quite out of debt; and unless there be remaining
 in his coffers sufficient for the provision of his
 family. To which the King agrees, directly,
 without reservation, till his debts be paid, or
 unless there be sufficient provision for his family,
 and with reservation for the Queen, his sons, and
 for the Duke of York, and the Lord Grey.

‘ Item,



† Item, Qe nulles chastelx honours seignouries,
 manoirs, villes, terres, tenements, franchises,
 reversions, libertees, forrestes, fees, advoesons,
 eschetes, forfaitures, gardes, mariages ou autres
 revenues qeconques, ove lours appurtenances,
 forpris offices & baillies, en temps ensuivants,
 es mains nostre dit Seignour le Roi ou a ses
 heirs, Rois d'Engleterre, a eschiers, ou a venirs,
 ne soient en nulle manere donez, ne grantez a
 ascune perones, si ne soit al profit & oepe nostre
 dit Seignour le Roi, pur la sustenance de son
 houstiel, chambre, & garderobe, tanqe tous ses
 dettes a ses lieges a present dues soient pleine-
 ment paieez, & deslors enavant continuellement
 resonable substance remaignant es mains nostre
 dit Seignour le Roi, & ses heirs, Rois d'Engle-
 terre, pur la sustenance & supportation del
 houstiel, chambre & garderobe suis ditz, devant
 ascun doun ou grant fait al contraire dicelle en
 descharges de nostre dit Seignour le Roi, & de
 son roialme, en temps avenir: et si ascune
 manere de persone, de quel estate ou condition
 qil soit, eit ou resceive en temps a venir, de
 doun ou de grante, nostre dit Seignour le Roi,
 ou de ses heirs, Rois d'Engleterre, ascunes des
 revenues dessus nommez, a contraire de cest
 petition, qe le avantdit doun ou grant soient
 outrement voidez, & come nulles tenus, & le
 Roi respondu en son eschequer des issues en le
 mesme temps dycelle provenantz & en temps
 ensuant a provenir per issint qe le chancelier
 d'Engleterre, qi pur le temps fera, soit tenus a
 certifier en l'eschequer nostre dit Seignour le
 Roy des douns & grants avant dits, a tant de
 foits come il besoigne.

† Rot. Parl. 11 Hen. IV. N°. 23.

Resp. ‘ Le Roi voet qe tous les chastelx, ma-
 ‘ noirs, honours, seignouries, villes, terres, tene-
 ‘ ments, franchises, reversions, libertees, forrests,
 ‘ fees, advoesons, & eschetes, forfeitures, gardes,
 ‘ mariages, ou autres revenues qeconques, ove lour
 ‘ appurtenances, forpris offices & baillies, qi
 ‘ escheiront de ce en avant, es mains nostre Seig-
 ‘ nour le Roi, ne soient en nul manere donnez ne
 ‘ grantez, a ascune persone, fil ne soit al oeups &
 ‘ profit, nostre dit Seignour le Roi, pur la fuste-
 ‘ nance de son hostiel, chambre & garderobe, et
 ‘ si ascune manere persone, de quel estate ou condi-
 ‘ tion qil soit, eit ou resceivre dycest 26. Jour de
 ‘ Avril, en temps avenir, ascun tiel doun ou grant,
 ‘ au contraire de cest ordeinance, qe le avant dit
 ‘ doun & grant soient outrement voidez, & tenus
 ‘ pur nul, forpris que recompensation soit fait au
 ‘ reigne, solonc la tenure de ses lettres patents,
 ‘ et forpris les Fitz de Roi, et auxint forpris qe
 ‘ recompensation soit fait a Duc d Everwick &
 ‘ a Seignour de Grey solonc la fourme de lour
 ‘ lettres patentes.’

There was no full and direct resumption dur-
 ing the reign of Henry the Vth, * except of lands
 given away in the marches of Calais; by which it
 appears, that the care taken in the former parlia-
 ments, had somewhat fenced the King's revenues,
 against the rapine of the favourites and great men.
 But though there was no resumption, yet it was
 enacted 1 H. Vth, That the King should have
 10,000l. per ann. out of the annuities and pensions
 formerly granted, which was no inconsiderable sum
 in those days, since the whole revenue of the
 † crown, when he undertook the conquest of
 France, amounted to but £. 56,966 per annum.

* Rot. Parl. 1 Hen. V. N°. 40.

† Cot. Post. p. 156.

‘ Item

‘ * Item accordez est, & assentuz per le Roi
 ‘ & les Seignours, a la request des communes en
 ‘ parlement, qe sur les paiemens afaires de les
 ‘ annuities, grantes as diverses persons, per les
 ‘ lettres patentes des Rois, mesme nostre Seignour
 ‘ le Roi, pur sustenance & supportation de son
 ‘ honourable estate, & de les grandes charges,
 ‘ costages, & despenfes de son houstiel, chambre,
 ‘ & garderobe, soit preferez de dix milles livres
 ‘ annuellement, & ycelle preferement accomplie,
 ‘ soient les persones dessuiddits paieez de leur dites
 ‘ annuities, solonc les fourme & effect de leur
 ‘ lettres patentes a eux ent faits. Purveus toutes
 ‘ fois qe les seignours & autres persones qont
 ‘ leurs annuities enheritablement, soient paieez de
 ‘ mesme leur annuities solonc la fourme & effect
 ‘ de leur chartre, & lettres patentes, ent faits, non
 ‘ obstant le preferement avant dit.’

Anno 28 Hen. 6. ‘ † Prayen the commons in
 ‘ this youre present parlement assembled, to con-
 ‘ sider that where youre chancellor of youre reaume
 ‘ of Englund, youre tresorer of Englund, and
 ‘ many of the lords of youre counseill, by youre
 ‘ high commandement to youre said commons,
 ‘ atte youre parliament holden last atte West-
 ‘ minster, shewed and declared the state of this
 ‘ youre reaume, which was, that ye were en-
 ‘ detted in CCCLXXII. M. li. which is grete
 ‘ and grevoufe, and that youre livelode in yerely
 ‘ value was but V. M. li. And for as moche as
 ‘ this V. M. li. to youre high and notable estate,
 ‘ to be kept, and to paie youre said dettes woll
 ‘ noght suffice, Therefore that youre high estate
 ‘ might be releved.

* Rot. Parl. 1 Hen. V. N°. 12.

† Rot. Parl. 28 Hen. VI. N°. 53.

‘ And furthermore it was declared, that youre
‘ expenses necessaries to youre houshould, withouten
‘ all other ordinarie charges, came to 24,000 li.
‘ yerely, the which exceedeth every yere in ex-
‘ penses necessarie over youre livelode 19,000 li.

‘ Also please it your highness to consider, that
‘ the commons of youre said reaume, been as
‘ well willed to their pore power, to releving of
‘ youre highness, as ever were peple to ony Kyng,
‘ of youre progenitours, that ever reigned in
‘ youre said reaume of Englund, but youre said
‘ commons been so empoverished, what by taking
‘ of vitaile to youre household, and other things
‘ in youre said reaume, and noght paied fore,
‘ and the quinzisme by youre said commons,
‘ afore this tyme so often graunted, and by the
‘ graunt of tonnage and poundage, and by the
‘ graunt of the subsidie upon the wolles, and
‘ other grauntes to youre highness, and for lakke
‘ of execution of justice, that youre pore com-
‘ mons been full nyght destroued, and if it shuld
‘ continue lenger in such grete charge, it cowde
‘ noght in oney wyse be hade or borne.

‘ Wherefore please it youre highnesse, the pre-
‘ mises graciously to consider; and that ye, by the
‘ advyce of youre lordes spirituels and temporels
‘ and by auctorite of this youre present parlement,
‘ for the conservacion of youre high estate, and
‘ in comfort and ease of youre pore commons,
‘ wold take, resume, seise and reteine in youre
‘ handes and possession, all honours, castelles,
‘ lordshippes, townes, towneshippes, mannours,
‘ londs, tenementes, wastes, rentes, reversions,
‘ fees, feefermes, and services, with all their ap-
‘ purtenances, in Englonde, Wales, and in the
‘ marches thereof, Irlande, Guysnes, Caleys and
‘ in the marches thereof, the which ye have
‘ graunted

‘ graunted by youre lettres patentes, or other-
 ‘ wyse, fythe the first day of youre reigne, and
 ‘ all honours, castelles, lordshippes, townes, town-
 ‘ shipps, mannours, londs, tenements, wastes,
 ‘ rentes, reversions, fees, feefermes, and services,
 ‘ with all their appurtenances, the which were of
 ‘ the dutchie of Lancastre, and passed from you by
 ‘ youre graunte or grauntes; and ye to have,
 ‘ hold and receive, all the premisses, in and of
 ‘ like estate, os ye hadde them atte the tyme of
 ‘ such grauntes made by you of them.

‘ And that all lettres pattentes, or grauntes by
 ‘ you, or by oney other persone or persones atte
 ‘ youre requeste, or desire, made to oney persone
 ‘ or persones, of the premisses, or of oney of
 ‘ them in that, that to oney of the premisses,
 ‘ be void and of noo force.

‘ And over that, that all manner of grauntes
 ‘ of rentes, charges, or annuities, made by you
 ‘ of estate of inheritance, for terme of lyffe, or
 ‘ terme of yeres, to oney persone or persones, to
 ‘ be taken of oney of these premisses, or of youre
 ‘ custumes or subsidies, or awnage, or of youre
 ‘ hamper, or atte, or in youre receites, or in
 ‘ otherwyse, or in oney other place, or oney of
 ‘ them, or of the profites coming of them, or
 ‘ oney of them, withinne this youre reaume,
 ‘ Irlonde, Wales, Guyfnes, Caley and the
 ‘ marches of the same, be voide and of noone
 ‘ effect.

‘ And that all manner of grauntes, made by
 ‘ you, to oney persone, or persones, of estate of
 ‘ inheritance, terme of lyffe, or terme of yeres,
 ‘ of oney herbage, or pannage, fishyng, pasture,
 ‘ or comyne of pasture, youre warein, wode,
 ‘ wyne, clothyng, furies to noone office longyng,
 ‘ nor perteinyng, the seid first day of youre reigne,

‘ nor afore, noght yeldyng to you the verray
‘ value thereof, be voide and of noone effect.

‘ And over that, like it youre highness, to take,
‘ resume and seise, and reteine into youre hande,
‘ and possessions, all manner lettres patentes, pri-
‘ vileges, franchises, hundreds, wapentakes, letes,
‘ rapes, vewe of franchises, fynes, amerciaments,
‘ issues and profites of the same, by you graunted,
‘ syth the first day of youre reigne to oney persone
‘ or persones, or abbot, priour, deane, chapitre,
‘ maistre or wardeyne of college, fraternite, crafte
‘ or gilde. And all manner of such grauntes, to
‘ be voide and of noone effecte.

‘ And furthermore, all grauntes made by you,
‘ to oney persone, or persones, of oney offices,
‘ the which were noone offices the first day of youre
‘ reigne, nor afore, be voide and of noone effecte.

‘ And that all manner of grauntes, made by
‘ you, to oney person, or persones, geaving them
‘ power to make or ordeine oney office, or offices,
‘ of whome the makyng and ordeinance, the said
‘ first day of youre reigne, or oney time syth,
‘ longd to you or them, were noone such office,
‘ nor afore that, thanne such graunte as in makyng
‘ or ordeinance of such offices be of noone effecte.

‘ And over that, That all grauntes and re-
‘ lesses made by you syth the first day of youre
‘ reigne, to oney abbot, priour, covent, or to
‘ oney other persone or persones, for discharge or
‘ quytclayme of oney corrodies, or corrodie, pen-
‘ sione or pensiones, dismes spirituells, or quins-
‘ zimes, or dismes temporells, rentes, or services,
‘ or oney other charge, be void and of noone
‘ effecte.

‘ And that no persone nor persones havyng
‘ estate in offices, fee simple or fee talle, of youre
‘ graunte, or oney havyng theyre estate, have
‘ other

‘ other estate in the said offices, but terme of their
‘ lyffes, that nowe have the seid offices with fees
‘ and wages, to the seid offices, of alde tyme ac-
‘ custumed oonly, and noone otherwyse.

‘ And that all manner of grauntes by you
‘ made, or to be made to oney persone or persones
‘ of the premises, or of oney parcell, during this
‘ youre present parlement, be voide and of noone
‘ effecte.

‘ And that noo persone or persones, that hadde
‘ oney thyng of the premises afore the tyme of the
‘ seid resumtion, be noght chargeable by way of
‘ accompt, or otherwyse for the same ayenst you,
‘ youre heires and successours, except thoo that by
‘ youre grauntes afore the seid resumtion were
‘ accomptable.’

This is the fore-part of the act, word for word,
to which the house of commons thought fit to add
savings to several persons, of which we shall give
an abstract.

First there is saving to the Queen, for her
dower. [2] For the colleges of our Lady of Eaton,
and our Lady and St. Nicholas of Cambridge.
[3] For lands granted in the dutchy of Lancaster
to persons to the intent to perform the King’s will.
[4] For priories alien then in the possession of
hospitals, or religious houses. [5] For the creation
money, paid to the peers, but this saving is with
restrictions. [6] For those who had made surren-
ders to the King, and taken other lands in ex-
change, so as the last grant exceed not the first in
value or terme. [7] A saving for lands bought
of the King by Henry Cardinal of England and
given to St. Crosses, with a general saving for the
interest and claime of private persons to the lands
intended to be resumed. [8] A saving for those
who had grants in former reigns, out of which
they

they were lawfully evicted, and in consideration of which they had grants from the present King. [9] A saving for those who had exchanged lands with the King, so as the lands exchanged were not also of his own gift, and so as what exceeded in value should be resumed. [10] A saving for what paid rent according to the true value at the time of the grant. [11] A saving for where the King was feoffee in trust, so as it was not in lands of his own gift. [12] A saving for the Lord Chancellor, treasurer, privy seal, justices, barons of the exchequer, serjeants at law, attorney and officers in the King's courts of record, for accustomed wages, rewards or cloathing. [13] A saving for grants made of their own lands to persons born beyond the seas, and of English parentage. [14] A saving for All-Soul's-college. [15] A saving for cities and boroughs, who by the King's charter were to be exempt from the jurisdiction of the lord high admiral or warden of the cinque ports. [16] A saving for bodies corporate, &c. who by charter had priviledge granted of marriage.

These were all the reservations, the house of commons thought necessary in this act. Then follows.

‘ And that it like youre most high and habundant grace, tenderly to consider these premises,
 ‘ and thereuppon by youre high and grete wisdom, and by the advyse of the lords spirituels
 ‘ and temporels, in this your present parlement
 ‘ assembled, to ordeine, provide, and establishe
 ‘ sufficiant possessions of the premises so resumed
 ‘ for the contentyng and paiment of the expences,
 ‘ and charges of youre household, and all youre
 ‘ other ordinarie charges: and to apply and
 ‘ appoint the possessions, profites, revenues, and
 ‘ commodities of youre towne of Caley, and
 ‘ of

‘ of Guisnes and of the marches there, hooly to
‘ be taken and received by youre tresorer of
‘ Caley for the tyme beyng, he to apply them
‘ to the payments of the souldours there, and the
‘ repaire of the gettes and other necessary repara-
‘ tions there behowfull; and the seid tresorer
‘ thereof to you in youre eschequer duely to
‘ accompt: And all the possessions aforefaid soo
‘ severally provided for to abide and endure to
‘ you youre heires and successours in perpetuities,
‘ to the same end and effecte, and noon other,
‘ with such peines and punishments to be sette
‘ thereupon, by youre wise discretions, that noone
‘ of youre leiges in tyme to come attempt the
‘ contrarie thereof, or accept any parcell of hem,
‘ so ordeined, for the seid provisions; so that the
‘ seid ordeinaunce soo made be sent and declared
‘ to us youre seid beseechers, during this your
‘ seid parlement, to the ende and effecte we to
‘ yeve thereto our assent, so that it can be thought
‘ to us for youre honour, profite and welfare of
‘ us, all so to doo, that it be authorised in this
‘ youre high and roial court of parlement, and by
‘ auctorite of the same.

Resp. ‘ The Kyng by the advyse and assent of
‘ the lords spirituells and temporels in this present
‘ parlement assembled, and by the auctoritie of
‘ the same, agreeth to this petition of resumption,
‘ and the same accepteth and establisheth, always
‘ forseyn that all exceptions moderations forprises
‘ and provisions by hym graunted ordeined and
‘ admitted, and putte in wryting in this same
‘ parlement, upon the premisses, be and stand
‘ good and avaylable in lawe, after the fourme and
‘ effecte of the contynue of the same exceptions
‘ moderations and provisions; and that all lettres
‘ patentes of the Kyng made to oney persone or
‘ persones

‘ persones named in oney of the same exceptions
 ‘ moderations forprises and provisions, be good
 ‘ and effectuel after the fourme and continue of
 ‘ the same lettres patentes, by whatsomever name
 ‘ oney such persone or persones be named in oney
 ‘ such lettres patentes, the said act and petition of
 ‘ resumption or oney thing conteined therein
 ‘ notwithstanding.

‘ Provided alway that it extend not to oney
 ‘ possessions or other thyng made or graunted by
 ‘ the Kyng to oney persone or persones in Caleis
 ‘ or in the marches thereof or in the lond of
 ‘ Irlond.

‘ These that followen been the exceptions
 ‘ moderations forprises and provisions by the Kyng
 ‘ graunted ordeined and admitted, and in this
 ‘ same parlement upon the premisses put in
 ‘ wryting.

First saving for Merton-College. [2] For Leon
 Lord Wells, inasmuch as he had a pension justly
 due to him. [3] For the dower of the Dutcheſs
 of Warr. [4] For lands exchanged with John
 Fray. [5] For the College of Leicester. [6] For
 the expences granted by patent to Richard Duke
 of York in the lieutenancy of Ireland. [7] For
 restitutions of temporalities, &c. to arch-bishops,
 bishops, &c. [8] For the Priory of Henton.
 [9] For John Stourton, treasurer of the household,
 for 5000l. to be expended in his office. [10] For
 the prior of St. John’s for 15s. per annum. [11]
 For the Friars of Kings Melcombe, upon a valu-
 able consideration. [12] For lands taken in farm
 of the King, and improved. [13] For Jervais le
 Unlre’s pension of 24l. per annum, as the King’s
 French secretary. [14] For lands given to the ab-
 bot and church of Westminster, out of which they
 were to distribute alms. [15] For the Duke of
 ‘ Somerset’s

Somerſet's lands bought of the King, for valuable conſiderations, by Henry cardinal, and ſold by the cardinal to the Duke. [16] For the chief juſtice. [17] For Oriel-college. [18] For All Souls college. [19] For the abbot and covent of Selby their releaſe of diſmes. [20] For Thomas Derling, ſerjeant of arms, his cloathing and accuſtomed wages. [21] For John Waterford the ſame. [22] For John Bury's penſion of 12 p. per diem, &c. [23] For the priory of Brydlington, endowed by the King in eſpecial devotion. [24] For a ſmall parcel of land given to the charter houſe of Sheen, founded by the King his father. [25] For lands only reſtored to the college of Knolleſmes-houſe in Pont-fract. [26] For John Earl of Shrewſbury, as to 100 l. annual penſion for life and lands in Waterford, till then yielding nothing, being in the hands of rebels, the ſaid Earl having had no other recompence for his long ſervices. [27] For the Lord Scales penſion of 100 l. per annum for his long ſervices in France, and duchy of Normandy. [28] For William Stone's penſion of 26 l. 13 s. 4 d. granted him laſt parliament, at the requeſt of both houſes, for great ſervices as well to the King, as to his father. [29] For Richard Welſden's penſion of 10 l. 6 s. per annum for life, out of the fee-farm rent of New-biggyng, which fee-farm had been uſually diſtributed among the King's ſervants from King Edward III's time. [30] For the city of Canterbury's charter, in relation to their officers only. [31] For charters of denization. [32] For Sir John Aſtley's penſion of 100 marks, for life. [33] For houſes granted to the dean and church of St. Stephen Weſtminſter. [34] For William Rouſe, one of the clerks of the crown, as to his patent for his office, and as to 20 l. per annum out of the hamper for execution

tion of his said office. [35] For the collegiate church of Leicester as to their ton of wine. [36] For William Crawen and others their patent who were erected into a fraternity. [37] For the heirs of the Lord Bardolph on accompt of lands restored to them by good advice. [38] For the Vicounts Beaumont and Boughchier both as to the patents for their honours and creation money. [39] For the dean and chapter of Lichfield, concerning their patent for certain liberties and priveleges. [40] The same for the town of Estratford. [41] The same for the city of York. [42] For the abbot of Byland, about a small fee-farm rent. [43] For John Vicount Beaumont, Ralph Lord Cromwel, and others, in relation to lands granted to them, the value not expressed in the proviso. [44] The same for John Fanceby, value not expressed. [45] The same for John Hampton, but 40 l. per annum resumed from him. [46] For Ralph Bapthorp, Esq; of the body, for lands given, or sold to him. [47] The lands for John Norreis, only there is resumed from him 50 marks per annum pension, and 6 l. 13 s. out of Merston Messay. [48] For Phillip Wentworth Esquire of the body. [49] The same for Thomas Danyel, but the mannor of Gedyngton of 26 l. 6 s. yearly value is resumed from him. [50] The same for William Tresham, only 20 per annum is resumed from him. [51] The same for Thomas Myner, and others the King's menial servants, only 20 out of 40 l. per annum is resumed from Jenkyne Stanley. [52] For the Earl of Arundel, for lands granted to him, the value not expressed. [53] The same for Richard Earl of Warwick. [54] For Richard Earl of Salisbury, but a fee-farm taken from him of 24 l. per annum, and some certain privileges very extraordinary are taken from him,

him, and others in Richmondshire reserved to him. [55] A saving for the Lord Dudley, as to some patentees, but other things are resumed. [56] For certain privileges granted to Sir John Boteller. [57] For Sir Thomas Haryngton on accompt of lands granted to him for good services, specified in the provisoe. [58] For Sir Richard Wyddewil, Lord Rivers, and others, on accompt of lands granted or confirmed to them. [59] For Sir John Talbot, and others, on accompt of 20 l. per annum pension to be paid to them, or the survivor of them. [60] For the Lord Clifford for lands granted to him. [61] The same for Henry Everingham, so as his grant exceed not the value of 12 marks per annum. [62] For Richard Hakedy, the King's apothecary, as to 40 marks yearly granted for his life. [63] For Robert Fenys and Thomas Bermingham for grants made to them, but from Robert there is resumed 20 l. feefarm rent. [64] For Robert Manfield and his son for lands granted or confirmed. [65] The same for William Say and Thomas Shargyl the King's servants. [66] The same for Gilbert Par, but 9 l. per annum feefarm rent resumed. [67] The same to John Trevilian as to some small grants expressed. [68] The same for Henry Langton the King's servant. [69] The same for John Say, as to a grant for his and his wife's lives, but £9--2--6. feefarm rent resumed. [70] The same for John Blackney the King's servant. [71] The same to Robert Fowles Hyrst the King's servant, so as it exceed not 10 marks per annum. [72] The same as to a grant for life of 20 l. per annum. [73] The same for John Down the King's servant as to two small grants. [74] The same to Griffith ap Nicholas as to a grant of 15 l. per annum. [75] The same for Henry Manners, one of the King's servants. [76] The

[76] The same for John Chyval and others the King's servants, but three pipes of wine, and 10l. per annum fee-farm rent are here resumed. [77] The same for William Elton and others the King's servants as to some leases or confirmations. [78] The same for John Sutton, King's servant. [79] The same for Robert Wyllyn, King's servant. [80] The same for John Woodhouse, King's servant. [81] The same for Henry Rosyngton, and others the King's servants. [82] The same for John Slyfirst, and several others the King's servants, as to their salaries, which were reduced to 10l. per annum. [83] The same to Thomas Carr the King's servant. [84] The same to Andrew Lowe, King's servant. [85] The same for Thomas Schapp, King's servant, as to 6d. per diem salary. [86] The same for William Langton, and others of the King's mynstrel, as to their salaries of 6l. 13s. 4d. per annum. [87] The same for William Clarence, King's servant. [88] The same for Bryan Wager, King's servant. [89] The same for Sir Richard Roos and others, but in this proviso several resumptions are made. [90] The same for Thomas Montgomery, Esq; so as what he enjoys of the King's gift exceed not 23l. per annum. [91] The same for Thomas Calbras, King's servant, as to his salary of 12d. per diem. [92] The same for James Hornby and Thomas Osborn, King's servants, as to their offices, wages and cloathing. [93] The same as to Thomas Bradfield, but here 8 marks per ann. fee-farm rent is resumed. [94] The same for Rowland Lengthal as to lands bought of or exchanged with the crown. [95] The same for Richard Wednyng as to the reversion of an office. [96] The same for Christopher Whittacre as to an office and sallarie of 4d. per diem. [97] The same for William John as to

to a grant made upon a surrender. [98] The same to John Brely as to his office. [99] The same for Thomas Lord Egremont as to 45l. per ann. to him and his heires for the sustentation of the honor. [100] The same for Watkyn Bedell, King's servant, as to a fee-farm rent out of mills in Herefordshire. [101] The same for Sir Richard Molyneux and his son as to their offices and fallaries and as to some leases they had from the crown. [102] A saving to the town of Kingston upon Hull as to some franchises granted to them. [103] For Ralph Leigh and others King's servants so as the grant made to them all exceed not 20l. per annum. [104] For Sir John Langton and his son as to some leases. [105] A saving to the prior and convent of York as to some pardons and releases made to them. [106] A saving for Sir Edmond Hungerford. [107] Another saving for Sir Edmond Hungerford and Philip Courtney as to some mannors they held by lease, and for which they paid rent. [108] For John Hunt and others, clerks of the chappel, as to some grants, so as no grant made to any of them exceed 20 marks per annum. [109] For John Watts and others, King's servants, as to some small pensions for life. [110] A saving to John Merston and others, the King's servants, but with exceptions. [111] For John Weseham, King's servant. [112] A saving to John Holt for some lands (as it seems) rather restored than granted. [113] For Thomas Frank. [114] For John Arnold and others as to some tenements they held in trust for religious uses. [115] For John Rypon, King's servant. [116] For John Browne and Thomas Catesby as to some eschetes and grants of small value which is expressed in the proviso. [117] A saving for John Baker and Richard Wardale, King's servants. [118] A

[118] A saving to the Lord Hungerford for the mannor of Hungerford out of which there was a reserved rent, and in the same proviso there is a saving for Sir Richard Hungerford Lord Molins as to a small grant. [119] A saving to the Earl of Northumberland. [120] A saving to Thomas Kent as to 100 marks per ann. in consideration that the said Kent had been at great expences in repairing the port of Southampton, and that by this resumption he was to lose several grants expressed in the proviso. [121] A saving for John Green Esq; who had certain priviledges and free chace granted him by letters patents in his own woods. [122] For the monks of Sempyngham as to a pardon or release of disms. [123] For William Buckley, King's servant, as to his salary of 12 pence per diem, who had no other reward for his long services. [124] A saving for John Kingly and Robert Whitgrene as to some small grants. [125] For William Boerly. [126] For Jenkin Stanley and his son as to some grants and for the vitlership of a castle. [127] A saving for the Lord Vessy. [128] For John Welbeck, King's servant, as to his salary of 12 pence per diem. [129] A saving to the town of Notyngham for certain franchises, provided they increase their present feefarm rent 13 s. 4 d. above what they already paid. [130] For John Turges the Queen's harper, as to 10 mark per ann. for life which he was to have after the death of another. [131] For William Beaufitz, but here is a resumption of 15 l. per ann. feefarm rent. [132] For John Peycock as to 6 pence per diem. [133] A saving for Sir Thomas Fulthorp justice of the common bench, value not expressed. [134] For Gilbert Haltoft secondary baron of the exchequer, as to 20 mark per ann. for his life. [135] For the lord

lord chief baron as to 40 l. per ann. robe vesture and furrure. [136] For John Fowardly as to 20 l. per annum for life, and John Poutrel as to 20 mark per annum for life. [137] For John Sleg and his wife as to 4 l. 6 s. per annum for life. [138] For John Prude, King's glazier, as to 12 pence per diem for life. [139] A saving for Colchester and Ipswich as to franchises and liberties. [140] For the town of Rye as to a grant made to them. [141] For the town of Shrewsbury as to franchises and liberties. [142] For the town of Bridgenorth the same. [143] A saving to John late Duke of Somerset as to a fee-farm rent of 15 l. per annum. [144] For Nicholas Semtlo as to grants so they exceed not 20 l. per annum. [145] For Giles Thorndon Esq; as to a grant of 7 l. per annum for life which he had out of lands in Ireland. [146] For William Catesby, King's servant, as to 10 l. per ann. for life. [147] For John Parkes, King's servant. [148] For John Martyn, King's servant, as to 6 d. per diem for his life. [149] For George Danyel as to grants so they exceed not 20 mark per annum. [150] For John Houghton and other servants at arms, as to their patentees, it is to be supposed for their employments. [151] For Robert Wood, clerk, as to a reversion of a fee-farm rent of 10 l. per annum. [152] A saving for King's Hall in Cambridge, as to a piece of waste ground and conduit granted. [153] For Thomas Smith, as to his office and fallary of 4 pence per diem. [154] For William Burton, Queen's servant, as to 100 shillings per annum for his life. [155] For Thomas Derlyng and John Moor, serjeant at arms, as to their fees. [156] A full saving for the Colleges founded by the King in Cambridge and at Eaton. [157] This saving relates to the same Colleges.

[158] For William Bradford and Thomas Kindal, King's officers, as to their fees. [159] For Thomas Merton as to 100 shillings per annum. [160] For the Dutches of Somerset, as to part of her dower. [161] For John Pulloo, as to his office and fee. [162] For Coney ap Rice, the same. [163] For the Lady Roos, widow, as to 60l. per annum for life. [164] Provided also that none exception made by us upon the resumption in this present parliament of any possessions extend to oney londs, tenements, fees, offices, fermes or any other thing in Caley's or in the marches thereof. [165] A saving for Robert Tanfeld, as to 20 mark per annum for his life out of the hamper. [166] For John Somerset, gentleman. [167] For Sir Edmond Hampden, Queen's carver, as to some herbage in a park, which did not exceed 50 shillings per annum, and as to an annuity of 20l. per annum. [168] For Thomas Parker, Esq; as to his grants not exceeding 24l. per annum for life. [169] For Thomas Pope. [170] For Thomas Bird, serjeant at arms, as to his wages and cloathing. [171] For John Daindesey, King's servant. [172] For John Skelton, as to two annuities, one of 20l. another of 10 mark for his life. [173] For John Faceby, serjeant at arms, as to his office and fallary. [174] A saving to the town of Beaumaris, as to 20l. per annum granted for its walling. [175] For Walter Bright, serjeant at arms, as to his office, cloathing and wages. [176] For Johanna Astley, the King's nurse, as to two annuities for her life amounting in the whole to 50l. per annum. [177] A saving to the city of Chester, as to a release granted to them for 50 years of 50l. per annum, part of their fee-farm rent. [178] For Sir John Fortescue, chief justice of the King's Bench. [179] To Thomas Brown, as to 12l. per

per annum for his life. [180] For Henry Abydon, clerk of Eaton college, as to 1. per annum. [181] For Henry Vavoufor, for some grants which are expressed. [182] For Thomas Derwent, serjeant at arms, as to his office and fee of 12 d. per diem. [183] A particular, and then a general saving for King's-Hall in Cambridge. [184] A saving for the abbot and convent of St. Alban's, as to franchises and liberties. [185] For Thomas Throp, as to his grants, but 10 l. per annum fee-farm rent the King resumes.

The reader may observe from this record,

1st, That the crown was become indebted to the subjects in the sum of 372000 l.

2dly, That the crown-revenue, which, in the reign of Henry the Vth, was 56966 l. became reduced to 5000 l. per annum, so much had the crown been robbed and pillaged during the minority of this religious, but weak and unfortunate Prince.

3dly, That the house of commons thought it reasonable to relieve the King's necessities out of his own, and by an act of resumption, rather than to charge the people with new duties and impositions.

4thly, That the house of commons thought it reasonable to make the act so general, that they inserted only sixteen reservations or saving for other, so much did they consult the publick more than any private interest.

5thly, That the commons desire the King to appropriate to the expence of his household the lands so resumed.

6thly, That the King, when he gave the royal assent to this act, reserved to himself the power of putting in writing, while the parliament sate, certain moderations and restrictions to the said act,

and the King in the said assent excepts all grants made as to Calais and Ireland.

The writer of these papers thought his labour would not be unprofitably spent, to give an abstract of the restrictions and moderations, which the King's council believed at that time necessary in an act, which was to be so very general and extensive.

In those savings, which are in number 185, the reader has before his eyes a perfect image of the gravity, care, exactness and frugality of that age.

Most of the said savings relate to patents for employments, or for lands rather restored than granted, or for some liberties and franchises, or for lands given to religious uses, all which were affected by the act. In some of the proviso's, the value of the grant is mentioned, and in others omitted; but the general exactness, which runs through the whole, is a mark, that where the value is not expressed, it was notoriously inconsiderable. In many of the savings there is something left and something taken away. The reader may likewise note, That most of the grants of that age were only for life.

Note.] In this writing of restrictions the King exceeds from the exception he made, as to Calais, when he gave the royal assent. [As in saving 164.]

Note.] That the great Earl of Shrewsbury, who had done so many heroick actions, and had so valiantly fought for the honour of his country, had but 100 l. per annum pension for his life, and some lands in Ireland, then of no value, the said Earl having had no other recompence for his long services, which moderation of his is a reproach to the avarice of the present times, [vide saving 26.]

Anno

Anno 29 Hen. 6. There was another resumption made. The preamble agrees almost word for word with the fore-mentioned act; but the acts differ when we come to the following paragraph.

* And that all lettres patentes by you made,
 in or of any of the premisses, to any persone or
 persones, of the which any recoverer hath been
 hadde ayents the said patentees, or any other,
 by covin or collusion, that as well the recoverer
 thereof, as the letters patentes, be void and of
 noon effecte; and over that like it youre high-
 nesse to take, resume, seise and reteign in your
 said handes and possession all manner of liber-
 tees, privileges, franchises, hundredes, wapen-
 takes, letes, rapes, viewe of frankplege, sheref
 townes, sherif gildes, amerciaments, issues and
 profites of the same, by you granted syth the
 first day of youre reign, to oney persone or per-
 sones, abbot, prior, deane, chapetre, maistre,
 wardeyn of collage, fraternite, crafte, or gilde,
 and all maner such grantes, to be voide and of
 noon effecte. Except such libertees, privileges,
 franchises, hundredes, wapentakes, letes, rapes,
 viewe of frankpledge, sheref townes, sheref
 gildes, fines, amerciaments, issues and profites
 of the same, and all other libertees, privileges,
 franchises and immunities, as ye have graunted
 to the provestes and scolers of youre collages
 roial, of our Ledy and Seint Nicholas of Cam-
 brigge, nor to youre provoste and collage roial of
 our Lady of Eaton, and to their successors.
 And forasmoch as it is thought to us youre
 humble and liege people of this youre noble
 roialme, comen to this youre high courte of
 parlement, by your auctoritie roial, that certaine
 and diverse libertees, privileges, freedoms, fraun-
 chises and immunities, by you to the provostes,
 I 4 scholers,

‘ scholers, and to the proveste and collage and
‘ theire successours of youre collages of Eaton and
‘ Cambrigge granted, been to youre highnesse pre-
‘ judicial and over chargefull and nyous unto youre
‘ people of this youre roialm.

‘ Please it therefore youre most high and roial
‘ Mageste to ordeyne and appointe by youre high
‘ wisdom and discretion, that all grauntes and
‘ actes of such libertees, privileges, freedoms,
‘ franchises and immunities, as been to you
‘ prejudicial and overchargefull and nyous unto
‘ youre people of this youre roialme be void and
‘ of noon effecte. Whereof we youre true comyns
‘ in the moost lowly wyse that we can thinke,
‘ beseech youre moost habundant grace, to have
‘ knowlech during this youre said court of parle-
‘ ment for our special relief and comfort: And
‘ over that, all the grantes or releases made by you
‘ syth the first day of youre reigne to oney abbot,
‘ priour, covent or oney other persone or persones
‘ of discharge or quiet clayme of oney corrodie or
‘ corrodies, pension or pensiones, dismes spirituels
‘ or quinzismes or dismes temporels, or of dis-
‘ charge or quiet clayme of oney rentes of fee or
‘ services of fee be voide and of noone effecte;
‘ this act and petition of resumption to begynne
‘ and take effecte the first day of youre parlement
‘ holden at Westminster the 28th yere of youre
‘ reigne, that all manner grauntes by you made or
‘ to be made of oney of the said honours, ca-
‘ stelles, lordshipps, towns, townshipps, mannors,
‘ londes, tenements, wastes, rentes, reversions,
‘ fees, fee-farmes and services with all their appur-
‘ tenances or oney discharge or quiet claime as is
‘ above reherced from the 1st day of the parle-
‘ ment holden at Westminster the 28th yere of
‘ youre reigne unto the last day of this youre
‘ present

present parlement be void and of noon effecte.
 And if oney persone or persones atte oney time
 after the first day of this youre parlement accepte
 or purchase youre lettres patentes of oney of the
 said honours, castelles, lordshippes, townes,
 townshippes, mannors, londes, tenements, wastes,
 rentes, reversions, fees, feefermes and services
 with all their appurtenances, or oney discharge
 or quiet claime as is above reherced of oney of
 the premisses or oney other possessions of fee, or
 of freeholds that shuld growe to you in tyme
 comynge by way of forfeiture or otherwise. But
 if it be so that thoose letters patentes passe by
 advyse and assent of youre chancellour and youre
 tresorer of Englund prive seale and six lordes of
 youre greate counseil for the tyme being, and that
 they and itch of theym subscribe in such lettres
 patentes theyre names. And that the seide let-
 ters patentes so subscribed be enrolled in your
 chancelerie of record. And if oney persone or
 persones accept or purchase youre letters patentes
 of oney of the premisses otherwyse, forfette unto
 you our Soveraigne Lord all his londs and tene-
 mentes, that he or oney persone or persones have
 to his use atte the tyme of such letters patents
 made, or oney time after shall have in fee-simple
 holden of you, immediately to you. And all
 other londes and tenements that they so shall
 holden of other persones, to them that they shall
 hold of immediately, and the same letters pa-
 tentes to be voide and of noon effecte. And
 that no persone or persones that hadde oney
 thyng of the premisses afore the tyme of the seid
 resumption be not chargeable by way of accompt
 or otherwyse for the same ayents you youre
 heires and successours, except thoo that by youre
 grantes afore the said resumption were accompta-
 ble.

' ble. And that by auctorite of this parlement
 ' every of youre liege men, that hath yeven or
 ' graunted oney londes, tenements, rentes, advow-
 ' fons, or other possessions to you, or to oney
 ' other by youre desire, for oney other londes,
 ' tenements, rentes, advowfons, or other posses-
 ' sions by you graunted, or by oney other by
 ' youre desire, fyth the first day of youre reigne,
 ' that they shall be now alyve, and theyre heires
 ' and the successours of theym that been dede,
 ' may entre, have and enjoye all such londes, tene-
 ' ments, rentes, advowfons, and other possessions
 ' so yeven and graunted in lykewyse and fourme,
 ' as theyre auncestors, or predecessoures hadde
 ' theym afore such graunte or estate made of
 ' theym. And that averment in this case may be
 ' hadde, admitted and received by this seid aucto-
 ' rite, for every partie that so shall entre into,
 ' have or enjoye oney of the premiffes by theyr
 ' surmyse, that the seid londes, tenements, rentes,
 ' advowfons, or other possessions that they shall
 ' so entre in, have or enjoye, were yeven or
 ' graunted for other londes, tenementes, rentes,
 ' advowfons, or other possessions that they graunted
 ' to you, or oney other at youre desire. Notwith-
 ' standing, that in noo letters patentes by you
 ' made, nor in such gifts made to you, or by any
 ' other by youre desire mention be made thereof.
 ' So that such londs, tenementes, rentes, advow-
 ' fons, or other possessions were not rightfully in
 ' youre possessions in fee afore such yiftes or
 ' grauntes, as it is above reherced, saving to every
 ' persone theyre right, title and intrest in any of
 ' the premiffes other than they theyre auncestoures
 ' or predecessoures hadde, by force of youre let-
 ' ters patentes, so that thereof hath been had no
 ' recoverer by covyne and collusion.'

The

The house of commons judged it reasonable to make some exceptions, or proviso of savings to certain interests; they are in number 13, and much of the same kind as the savings in the act that passed the year before. Then follows:

‘ And for as moch as it is pleynty and univer-
‘ sally conceyved throughoute all this youre
‘ roialme, that the good spede of this acte of
‘ resumption ys to you full, honourable, necessarie
‘ and behovefull, and to all youre liege people
‘ comfortable and grete releife of their povertie,
‘ the which they been in for many unportable
‘ charges leyd upon theym afore this tyme, for
‘ that the seid resumption afore this tyme hath
‘ not be effectually had. We youre true, hum-
‘ ble obeisant and faithful liege people, comyn
‘ for the comen of this youre noble roialme, to this
‘ youre high courte of parlement, by youre auto-
‘ rite roiall, in the moost lowly wise to us possible,
‘ beseechen youre most noblaye, graciously and
‘ tenderly to confidre the grete benefites that shuld
‘ growe unto you, and to this your roialme, by
‘ the meane of this resumption. That it please
‘ therefore your moost habundant grace, that the
‘ seid resumption may take good and effectual
‘ conclusion, whereof we youre seid humble liege
‘ people, undre the favoure of youre high and
‘ moost noble grace, may have knowlech during
‘ this your seid parliament, for youre singular
‘ wele and special comfort and consolation of us,
‘ and all thoo that we come fore.

Resp. ‘ As for answere of the petition and re-
‘ quest of resumption made to the Kyng by the
‘ Commons of this his present parlement assem-
‘ bled, his highness wol that they know, That by
‘ tha advyse and assent of the lordes spirituall and
‘ temporell, beyng in the same parlement, and by
‘ tha

• tha auctorite of the same parlement his excellence
• is agreed to resume and resumyth into his hands
• and possession all honoures, castels, lordshipps,
• towns, townshipps, manors, londs, tenements,
• waistes, rentes, reversiones, fees, fee-fermes and
• services, with all theyre appurtenances in the
• which he had estate in fee, in Englonde, Wales,
• and in the marches thereof, Irelande, Guyenes,
• Calais, and in the marches thereof, the which his
• highness hath graunted by his lettres patentes, or
• otherwyse syth the first day of his reigne. And
• all the honoures, castels, lordshipps, townes,
• towneshippes, manors, londes, tenements, waistes,
• rents, reversiones, fees, fee-fermes, and services,
• with all their appurtenances, the which were of
• the dutchie of Lancastre, and passed from his
• highnesse by his graunt or graunts. And he to
• have all the premisses in and of like estate as
• his excellence had theyme at the tyme of such
• grantes made by hym of theym. And that all
• lettres patentes, or graintes by his highnesse,
• or by any other persone or persones at his request
• or desire made to any persone or persones of
• the premisses or of any of theym in that, that is
• of any of the premisses, be voide and of noo
• force. And over that, that all manere of
• graintes of rentes, charges or annuities made
• by the Kyng's highnesse of estate of enheritance,
• or for term of life or term of yeris, or at the
• wille, to any persone or persons to be taken of
• any of these premisses, or of any other of his
• possessions, or of his custums or subsidies, or
• awnage, or of his hamper, or at, or in his
• receite, or in otherwise, or in any other place, or
• in any of theym, or of the profites, comyng of
• theym, or any of theym within this his roialme,
• Irelande, Wales, Guyenes, Caleys, and marches
• of

of the same be void and of non effecte. And
 that all manner of grauntes made by his high-
 nesse to any persone or persones of estate of in-
 heritance, terme of life or terme of yeris, or
 at his wille, of any herbage or pannage, fishing,
 pasture or comyn of pasture, wareyn, wode,
 wyne, clothyng, furies to non office longyng
 nor perteynyng the seid first day of his reigne,
 nor afore not yeldyng to his highnesse the verray
 value therof, nor doyng any charge to his high-
 nesse therof to the value therof, be voide and
 of non effecte. And that all lettres patentes by
 his highnesse made, in or of any of the pre-
 misses to any persone of the which any recovere
 had been hadde ayenst the seid patentes, or any
 other by covyne or collusion, that as well the re-
 coverer therof as the lettres patentes be voide
 and of non effecte. And over that that all the
 graunts or releffes made by his highness fyth the
 first day of his reigne to any abbot, priour, co-
 vent, or to any other persone or persones of dis-
 charge or quiet clayme of any corrodies or cor-
 rodie, pensions or pension, dismes spirituels or
 quinzimes temporels, or of discharge or quiet
 clayme of any rents of fee or services of fee, be
 voide and of non effecte. And over that it
 liketh his highness to take, resume, and seise in
 his said handes and possession all manner of li-
 bertees, privileges, fraunchises, hundredes, wapen-
 takes, letes, rapes, viewe of fraunkplege, shirrif
 townes, shirrif gildes, fines, amerciaments, issues
 and profites of the same by his highnesse graunted
 sith the first day of his reigne to any persone or
 persones, or abbot, priour, dean, chapitre,
 maistre or wardeyn of college, fraternitee, crafte
 or gilde, and all manner such grauntes to be
 voide and of non effect. Except such libertees,
 privileges,

‘ privileges, fraunchises, hundreds, wapentakes,
 ‘ letes, rapes, view of fraunkplege, shirrif townes,
 ‘ shirrif gildes, fines, amerciaments, issues and
 ‘ profites of the same, and all other libertees,
 ‘ privileges, fraunchises and immunities that his
 ‘ highnesse hath graunted to the provostes and sco-
 ‘ lers of his collage roial of our Lady and St.
 ‘ Nicholas of Cambrig; or to the provoste and
 ‘ collage roial our Lady of Eaton, and to theyre
 ‘ successeours. This acte and petition of resump-
 ‘ tion to begynne and take effecte atte the feste of
 ‘ thannunciacion of oure Lady in the yere of his
 ‘ reigne XXIX. And that all maner of graunts
 ‘ by his highnesse made of any of the seid honours,
 ‘ castels, lordships, townes, townships, manoirs,
 ‘ londes, tenementes, wastes, rentes, reversions,
 ‘ fees, feefermes and services, with all their ap-
 ‘ purtenaunces, or any discharge or quiet claime
 ‘ as it is above reherced duryng this present par-
 ‘ liment be from the seid fest of our Lady voide
 ‘ and of non effect. And as to the provisions
 ‘ and exceptions conteigned in the seid petition of
 ‘ resumption, his highnesse theym accepteth and the
 ‘ same agreeth forth with, other provisions and
 ‘ exceptions by hym by thadvise of the seid lords
 ‘ spirituels and temporels, beyng in this seid par-
 ‘ liment put in writyng as the tenours of theym
 ‘ hereafter followen.’

The moderations or savings put in writing as
 afore, are in number 42, and are much of the
 same nature as those in the act of the 28th of
 the same King, only there is here a more expresse
 saving for those who had bona fide purchased of
 the crown for a valuable consideration. And
 there is a general saving for offices, and the accus-
 tomed fees thereunto belonging.

And

‘ And as to the remanent conteyned in the seid
 ‘ petition of resumption, not specified in this his
 ‘ answer,

‘ Le Roy favifera.’

Note.] That here the lands of Ireland are resumed.

But as to the fees belonging to offices, the point was further cleared in an act of the 31st Henry VI. chap. 7. which is in the printed statutes.

Anno 33 Hen. VI. there passed another act of resumption.

‘ * Prayen the commons in this present par-
 ‘ lent assembled, that where the victorious prince
 ‘ of most noble memorie, your fader, whom God
 ‘ rest, and other your noble progenitours, main-
 ‘ tained as worshipfull, noble and honourable
 ‘ estate of their household in this lond of the re-
 ‘ venues thereof as hath oney King or Prince in
 ‘ oney lond christenned to the ease and rest of the
 ‘ people of the same, without agrugyng for lak
 ‘ of paiment therefore, such as caused all other
 ‘ londes to have this youre seid lond in worshipful
 ‘ renowne, and as grete drede as oney lond chris-
 ‘ tenned.

‘ And notwithstanding the grete and large
 ‘ grauntes of godes, that by youre true people
 ‘ of this londe hath been often tymes geven of
 ‘ true love and feith, tender zeale and affection unto
 ‘ youre sede highnesse, ye be indebted in such
 ‘ outrageous somes as be not easy to be paied;
 ‘ which by Goddes law, and eschewyng his dis-
 ‘ pleasure, owe to be paied and contented; and
 ‘ that furthermore, the revenues of the seid londe
 ‘ to youre highnesse nowe belongyng mowe not
 ‘ suffice to kepe and susteyne your honourable

* Rot. Parl. 33 H. 6. N^o 47.

‘ household,

household, which not onely, but also youre
other ordinarie charge mot be kept and boron
worshipfully, as it accordeth to the honour of
youre estate, and youre seide londe, if youre
adversaries and enemies shuld fall into the drede,
wherein heretofore they have been, and shall with
Goddes grace, be of youre mighty regale, and
of youre seid lond, wherof your people lament
and sorrow petiously and hevely the amennsyng
of the worship and prosperity, whereyn it hath
joyed, and ben reputed in the days heretofore,
now the refuse of all other londes reputed,
agrugyng also right hevely the charge that hath
ben born, and daily is born among theym of
vitaille and other charges for youre seid house-
hold, and ordinarie charges wherof they been
not paied to theyr grete losse and hurt, which
they mowe not of oney reason oney longer suf-
teyne.

It please you by thadvyse and assent of the
lords spiritual and temporal, in this present par-
lement assembled, and by auctorite of the same,
for the conservation and supportation of youre
seid estate, which first to Goddes pleasure, secun-
darie for youre own fuerte, honour and wele;
and for the third, for the universal wele, ease,
reste and fuerte of this lond, the which ye owe
to preferre afore the favour of oney persone, or
oney place, or other thyng erthly, and to
thentent that youre seid enemies from whose
knowledge the penurie of youre seid household,
and the cause thereof, and also the agrugying
thereof of youre seid people had it not hidde,
whereof without dout they take a grete courage
and bouldnesse ayenst your seid lond mowe falle
from the seid courage into rebuke, and have
youre seid lond and people in such drede as here-
tofore

tofore in the days of you and of youre progeni-
tours they have hadde, to take, seise, have, re-
teyne, and resume into youre hands and possession
from the fest of Seint Michel, tharchangel next
comyng, all honours, castells, lordships, townes,
townshipps, maners, londs, tenementes, waistes,
forestes, chases, rentes, reversions, fee-fermes,
services, issues, profites of countees, advowsons
of priores, churches, hospitals, and of free-chappel,
and all other revenues, with their appurtenances,
passed from you syth the first day of youre reigne,
and by you graunted by youre letters patentes,
by authoritie of parlement, or in oney other
wyse by youre grantes, confirmations, or releffe
in fee-simple, fee-taille, terme of lyfe or terme
of yeris, to oney persone or persones in Englund,
Wales, or in the marches thereof, in youre londe
of Ireland, Guyynes, Calais, or in the marches
thereof, or in Scotland, or in the este or weste
marches of Englund, toward Scotland.

And also to take, resume and reteigne into
your hands from the seid fest, all the honours,
castells, lordshipps, maners, londes, tenementes,
waistes, rentes, reversions, fee-fermes and ser-
vices, with all theyre appurtenances which were
of the dutchie of Lancastre, and passed from
you by youre grauntes, confirmation or releffe,
or by auctoritie of parlement, or whereof oney
persone or persones were seised to youre use, or
to the use of youre seid fadir, or to the perform-
ing of youre or his will, ye to have, hold and
reteyne all the premisses in and of like state,
fourme and condition as ye, or oney other to
your use, or to the use of your seid fadir, or to
the performing of his or youre will, hadde theym
atte the seid first day, or oney tyme syth oney
acte or ordenaunce by parlement, or oney man-
Vol. III. K nere

nere of letters patentes, grauntes, or estates by
 you, or ony other persone or persones of oney
 of the premisses in oney wise made to or for oney
 persone or persones at youre request or desire, or
 otherwyse notwithstanding. All offices of your
 seid dutchie, such as the seid first day were
 offices there, and the fees, wages and rewards
 than as afore to theym had accustomed or apper-
 teignyng except.

And over that, that all manere of grauntes of
 rentes, rent-charges, annuities, some or somes of
 money, by you or oney other persone syth the
 seid first day made of estate of enheritaunce, or
 terme of lyfe, or terme of yeris to oney persone,
 or otherwise to be taken or hadde in or of oney
 of the premisses, or of oney of youre custumes,
 subsidies, awnage, or of the profites and reve-
 nues of youre hanaper comeing, or at or in the
 receite of your exchequer, or in oney other place
 within this youre seid realm, or in the seid lond
 of Ireland, or within Wales, Guyfnes, Caleys,
 or the marches thereof, be from the seid fest void
 and of noon effecte, to have, hold, or occupie
 from thenceforthe oney of the premisses.

And that all manere of grauntes or releffes by
 you syth the seid first day made to oney persone
 or persones of oney estate of enheritaunce, terme
 of lyfe or terme of yeris, or otherwise of oney
 of the premisses, or of the keepyng of oney of
 them, or of oney of youre goales, or of oney
 herbage or pannage, fishing, pasture or comyn
 of pasture, wareyn, wode, wax, wine, cloath-
 ing, furies, annuities, fee, or oney wages for
 doying or occupying oney office or charge, and
 to noon suche office or charge the seid first day
 due accustomed belongyng or apperteyning be
 void and of noon effecte.

And

‘ And furthermore to ordeyne by thadvyse,
‘ assent and auctoritie aforesaid, that all grauntes
‘ made by you, to oney persone or persones of
‘ oney office or offices which were noon office or
‘ offices the first day of youre seid reign or afore,
‘ be void and of no force.

‘ And that all manere of grauntes by you, or
‘ oney other persone or persones syth the seid first
‘ day, to oney persone or persones made, whereby
‘ the same persone or persones to whom oney such
‘ graunte or grauntes be made, shuld graunte or
‘ have power to graunte oney prebende or pre-
‘ bendes, churche or churches, hospital or hos-
‘ pitals, fre chappel or fre chappels, or oney ma-
‘ nere colleccion, office or offices to oney officer,
‘ to make the yest or presentation of which pre-
‘ bend or prebendes, churche or churches, hospi-
‘ tal or hospitals, fre chappel or fre chappels,
‘ colleccion, office or offices, or of the making of
‘ the seid officers the seid first day, or oney tyme
‘ syth belonged to you be void and of noo force
‘ nor effecte, to thentent that of such offices and
‘ other the premiffes, it mowe please you to reward
‘ youre servauntes menial; furthermore, that all
‘ manere of grauntes by you made, to oney per-
‘ sone or persones of oney office or offices which
‘ wore offices the seid first day or afore, and to
‘ theym belongeth and needeth actual exercise, or
‘ of the fee or wages thereto belongyng to have
‘ in fee simple or in fee talle, in oneywyse be of
‘ noo force nor effecte, but onely terme of lyfe of
‘ him or theym that oney such grauntes be made
‘ unto. And that all the grauntes of such offices
‘ as that noble and worthy prynce Humphrey,
‘ late Duke of Gloucestre, your late uncle, whom
‘ God rest, had and occupied of youre graunte,
‘ the which offices were by youre highness to oney
‘ persone

‘ persone or persones graunted in his lyfe to have
 ‘ after his deceffe or deth be voide and of noon
 ‘ effecte. And that all manere of grauntes by
 ‘ you, or by oney other persone or persones by
 ‘ youre grete seale, prive seale, or seale of your
 ‘ duchie of Lancastre syth the seid first day made
 ‘ of oney sherefwycke, or of oney eschete, or of
 ‘ oney office of eschetour, clerke of the peas, or
 ‘ of oney baillifwyoke or wapentake to you be-
 ‘ longyng, for terme of lyfe or terme of yeris, to
 ‘ oney persone or persones, be voide and of noon
 ‘ effecte. And also, that all grauntes and releffes
 ‘ made by you to oney abbot, priour, or oney
 ‘ other persone of discharge, releffe, or quiet
 ‘ clayme of oney corrodies or corrodie, pension,
 ‘ or pensions, dismes spirituel, or quinzisimes or
 ‘ dismes temporell, or of the colleccions of the same
 ‘ rentes or services, or of the payment of oney
 ‘ knyghtes spence for comyng to your parlement
 ‘ be voide and of noon effecte.

‘ Item, That all grauntes made by you by
 ‘ youre letters patentes, or otherwyse to oney per-
 ‘ sone or persones to be justices of your benche
 ‘ or of the common benche within youre lond of
 ‘ Ireland or of the office of keeper of the rolls of
 ‘ chancery of the same lond for terme of lyfe be
 ‘ voide and of noon force nor effecte. And also
 ‘ that all graunte or grauntes by you made to
 ‘ oney persone or persones of oney office or offices,
 ‘ wherupon no charge hangeth nor nedeth to be
 ‘ of actuel exercise or occupation be voide and of
 ‘ noo force nor effecte. And also by the seid
 ‘ advyse, assent and auctorite ye will graunte,
 ‘ ordeyne and establish that every persone that
 ‘ hath any castells, manours, londes, tenements,
 ‘ rentes, services, commoditees, advowsons, posses-
 ‘ sions, or oney enheritaments to you or to oney
 ‘ other

‘ other persone or body corporate to youre or oney
 ‘ of theyre use at youre desire or contemplation for
 ‘ oney rentes, annuities, summes of money or
 ‘ thyng that shuld or might have be taken or had
 ‘ of oney custome or subsidies in oney youre
 ‘ portes within this youre realme, or in or at the
 ‘ receite of youre exchequer if no yifte of ex-
 ‘ chaunge nor recompence for oney thyng be
 ‘ hadde, be made, may have immediatly and
 ‘ have, reteyne, kepe, entre and enjoye peasebly
 ‘ without oney suite or yit lett or disturbance
 ‘ of you youre heires or oney other from the
 ‘ seid fest as well all the seid manours, londes,
 ‘ tenementes, rentes, advowsons, possessions and
 ‘ enheritaments, with theyre appurtenaunces in
 ‘ oney wyse so given to you or to oney persone
 ‘ or body corporate at youre desire or contem-
 ‘ plation by him or his auncestres, or by him,
 ‘ or hir or theyr predecessours, or by thoo whos
 ‘ estate oney such your leiges hath or hadde in the
 ‘ londs, tenementes, rentes, possessions or enheri-
 ‘ taments taken of you in exchange as the seid
 ‘ rentes, annuities, and summes of money that he
 ‘ shuld or might have hadde of oney customes or
 ‘ subsidies, or att youre receite aforeseid if no
 ‘ manere of exchange nor recompence had be
 ‘ taken of you therfore by him nor by noon his
 ‘ auncestours or predecessours in like manere,
 ‘ fourme and state as though no suche graunte
 ‘ or estate of exchange or recompence had be
 ‘ made.

‘ So alwey that the manours, londes, tene-
 ‘ mentes, rentes, annuities, advowsons, sommes of
 ‘ money and enheritaments afore rehersed geven
 ‘ to you or to oney other persone or body cor-
 ‘ porate, or lest to be take for oney of the seid
 ‘ exchange or recompence were not youre ne

' noon other persone or persones to youre use
 ' the first day of your noble reigne, nor after
 ' save only by reason of the yests, grauntes or
 ' cause aforesaid. Except and forprised oute of
 ' this acte of resumption all the castells, manours,
 ' londes, tenementes, rentes, services, possessions
 ' and enheritaments with their appurtenaunces,
 ' whereof every persone or persones have had resti-
 ' tution by auctorite of parlement, restitution by
 ' the cours of the comyn law.'

Then the house of commons made some few sayings, in number 12, which are much of the like nature of those in the two former acts. Then follows,

' And for as muche as it is plainly and univer-
 ' sally conceived through all this your reame,
 ' that the good speede of this act of resumption is
 ' to you full honourable, necessarie and behovefull,
 ' and to all youre liege people comfortable and
 ' grete reliefe of their povertie which they been
 ' in for many unportable charges leid upon theym
 ' before this tyme for that the seid resumption
 ' afore this tyme hath not be effectuelly hadde.
 ' Wee youre humble true, obeisaunte and feithfull
 ' people comen for the comyn of this youre reame
 ' and to this youre high court of parlement by
 ' youre auctorite roial in the moost lowly wyse
 ' beseeche youre moost noblaye, graciously and
 ' tenderly to consider the grete benefites that shuld
 ' growe unto you and this youre reame by the
 ' meane of this youre resumption, that it please
 ' youre highnesse that if so be that ye like by
 ' thadvyse of youre lords spirituall and temporell
 ' in this present parlement assembled to make
 ' oney provisions or exceptions other then be con-
 ' teyned in this our petition, that then the seid
 ' provisions and exceptions be sende down unto us
 ' to

‘ to that ende that we may give oure assentes
‘ thereto, if it be thought to us expedient and
‘ behovefull. And that by the same auctorite it
‘ be ordeyned that if oney of your liege people
‘ after the seid fest of St. Michel take and receive
‘ youre graunte or grauntes of oney of the pre-
‘ misses excepte before excepte then he or they
‘ as oft as he or they that so take and receive
‘ renne into the penalte of the statutes of
‘ provisors. And over that, that he or they
‘ that so take or receive oney such graunte or
‘ grauntes excepte afore excepte contrarie to this
‘ our desyre forfait a M. marks as oft as they so
‘ take or receyve, wherof the oon half to be for-
‘ faited to you and that to be applyed to the con-
‘ tentyng of the wages of the souldours of Calyes,
‘ and that other half to him that will sue. And
‘ he that will sue yefore may have an action of
‘ dette agens oney such persone or persones, and
‘ such proces theryn as lyeth in an action of
‘ dette at the comyn lawe, and that the defen-
‘ dantes of such suites shall not be essoyned wage
‘ theyre law, nor beg protections in delay of the
‘ seid suites. All grauntes to be made by youre
‘ letters patentes by the bille of the tresorer of
‘ Englund for the tyme beyng of oney of the
‘ premiffes.

‘ And also all grauntes to be made of old
‘ offices, which were offices the first day youre
‘ reigne, to the which belongeth and needeth
‘ actuel exercise and fees, and wages the same
‘ first day to the same offices perteynyng or be-
‘ longyng, except out of the seid peynes. And
‘ that no such persone to whom oney lesse or
‘ lesles, graunte or grauntes shall be made after
‘ the seid fest for terme of yeris or atte wille, of
‘ oney thyng parcell of the duchie of Lancastre,

‘ earldome of Chestre, principalete of Wales,
 ‘ Caleys and Guyfnes and the marches therof, or
 ‘ of oney thyng to theym or oney of theym be-
 ‘ longyng or apperteynyng be not hurt nor enda-
 ‘ maggd by the penalty of this seid acte.’

Then follow two savings, one for the Prince of Wales, and another for Richard duke of York, as to some patents they had.

Resp. ‘ As touching this petition of resump-
 ‘ tion the Kyng hath well conceived and under-
 ‘ stood the maters, articles and desyres conteyned
 ‘ in the same petition; wherefore the Kyng by
 ‘ thadvyse and assent of the lords spirituel and tem-
 ‘ porel, beyng in this present parlement, and by
 ‘ auctorite of the same, taketh and resumeth into
 ‘ his hands all manner thyngs conteyned in the
 ‘ seid petition, and the same agreeth and ac-
 ‘ cepteth, the penalte in seid petition except and
 ‘ leid apart; alweye his prerogative reserved; for-
 ‘ seyn alweye that suche provisions and exceptions
 ‘ as been by his highnesse, by thadvyse of the seid
 ‘ lordes spirituel and temporel made and agreed,
 ‘ or to be agreed; and in this same parliament put
 ‘ in writyng upon the premiffes, be good and ef-
 ‘ fectuel the seid acte notwithstanding for the
 ‘ egalte and reason that the Kyng ought to do
 ‘ to his people, the which shall be to the pleaser
 ‘ of Godde, the honour and the wele of his lond
 ‘ and people.’

Then follow a great number of savings and provisions, all of them much of the same nature with those in the former acts; and none of them seem such as could any wise defeat the design of the parliament, which was, that all immoderate grants should be actually resumed.

But some may object, that Henry the 6th, under whose reign these 3 resumptions were made, was a
 weak

weak prince, unfortunate abroad, engaged in factions at home, and kept under by the power of the house of York; whereunto we answer, That it was the interest of great men rather to oppose such an act, for they were most like to suffer by it; therefore its passing was not the effect of faction, but, indeed, it was carried on by the weight of the people. But these objections will be more fully answered, when we shew that the same thing was done by a prince, who had mastered all parties, and under an active and martial reign, which was that of Edw. IV. his successor, where the precedents for a resumption are four times confirmed.

As soon as Edward the 4th came to the crown, one of the first things desired by his subjects, was an act of resumption.

— * And over that, that our seid sovereign leige Lord Kyng Edward IV. the fourth day of Marche was lawfully seised and possessed of the seid corone of England in his right and title, and from thenceforth have to hym, and hys heires Kynges of Englonde, all such manours, castels, lordshippes, honours, londes, tenements, rentes, services, fees, feefermes, rentes, knyghts fees, advowsons, giftes of offices to geve at his pleasure, fairs, markets, issues, fines, and amerciaments, libertees, franchises, prerogatives, escheates, custumes, reversions, remainders, and all other hereditaments, with their appurtenances whatsoever, by they in Englonde, Wales, and Irelande, and in Cales, and the marches thereof, as Kyng Richard the 2d had on the fest of Seint Matthew the apostle, the 23th yere of his reigne, in the right and title of

* Rot. Parl. 1 Edw. IV. No. 11.

‘ the feid corone of Englonde, and lordshippe of
‘ Ireland.’

Resp. ‘ The Kinge by thadvyse and assent of
‘ the lordes spirituel and temporel in this present
‘ parlement assembled, at the request of the comyns
‘ beyng in the same, agreeth and assenteth to this
‘ petition, and it accepteth, with certain modera-
‘ tions, provisions and exceptions, by his highnesse
‘ thereupon made, and in certain cedulaes written,
‘ and in the same parlement delivered, the tenor
‘ of which follows.’

Then follow the exceptions or savings to particular interests, which are in number 85.

But this resumption looking so far backwards, as the reigns of Hen. the 6th, Hen. the 5th, and Hen. the 4th, was too large to have any good effect: And as to its having been impracticable, and not well concerted, we have this argument, that a new act better digested, and which did not retrospect so far, was thought necessary, anno 3 & 4 of the same reign.

Anno 3 & 4 Edw. 4. There passed another act of resumption.

—— ‘ * At which day and place, for divers
‘ causes and considerations, conteining the honour
‘ and prosperite of the Kyng our soverayne lord,
‘ and also the commonwele, defence and welfare
‘ of this reame, and of his subgetes of the same,
‘ hit is ordeyned and enacted, and established by
‘ thadvyse and assent of the lords spirituels and
‘ temporels, and of the comyns in this present
‘ parlement assembled, and by auctorite of the
‘ same, That the King fro the fest of the purifica-
‘ tion of oure Lady the yere of our Lord 1464,
‘ have, take, seize, hold and joye all the honours,

* 3 & 4 Edw. 4. Rot. Parl. No. 39.

‘ castells,

‘ castells, lordshipps, towns, townshipps, manours,
 ‘ londes, tenements, waistes, forestes, chases, rentes,
 ‘ annuities, reversions, fermes, services, issues,
 ‘ profits, and commodites of shires, which he
 ‘ had the 4th day of Marche, or eny time after
 ‘ afore the seid fest, by reason of his duchie of
 ‘ Lancastre, or by the forfeitur of Henry the 6th,
 ‘ late in dede, and not in right Kyng of Eng-
 ‘ lond; in Englund, Ireland, Wales, and marches
 ‘ thereof, Guyynes and Caleys, and marches thereof;
 ‘ and passed from him the seid day of Marche, or
 ‘ eny tyme after and afore the seid fest, by his
 ‘ letters patentes to eny persone or persones, in fees,
 ‘ fee-simple, fee-taille, terme of life, or terme of
 ‘ yeres: And that the Kyng have and injoy every
 ‘ of the premisses in like estate and condition as he
 ‘ had theym the seid 4th day of Marche or after:
 ‘ And also, that all yests, grauntes and releesses
 ‘ made by the Kyng the seid 4th day of Marche,
 ‘ or eny time after afore the seid fest, to eny per-
 ‘ sone or persones of eny of the premisses, in fee-
 ‘ simple, fee-taille, terme of life or terme of yeres,
 ‘ under eny of his seales, be from the seid fest of
 ‘ Purification void and of noo force nor effecte.

‘ * And also that all yestes, grauntes, ratifica-
 ‘ tions, releesses and confirmations made by the
 ‘ Kyng the seid 4th day of March, or eny tyme
 ‘ after and afore the seid fest, to eny persone or
 ‘ persones of any possession, right, title, or inter-
 ‘ esse of his duchie of Yorke, or erldome of
 ‘ Marche, or eny part of them, or of eny pension,
 ‘ rent, annuite to be had, taken, perceyved or
 ‘ levyed of, or in the same duchie and earldome,
 ‘ or eny of theym, or eny parcell of theym, be
 ‘ from the seid fest void and of noo force nor
 ‘ effecte.

* 3 & 4 Edw. 4. Rot. Parl. N^o. 40.

‘ And

‘ And that this act extende not to eny honours,
‘ castells, lordshipps, manours, londes, tenementes,
‘ rentes, services, possessions or enheritaments
‘ which came to the hands or possession of our
‘ seid soveraine Lord King Edward the 4th, or
‘ apperteyned or belonged to him, or that he
‘ shuld have had the seid 4th day of March, or
‘ eny tyme after by the forfeiture of eny persone
‘ in the parlement, hold at Westminster the 4th
‘ day of November, the seid first yere attainted,
‘ or by force of an act of forfeiture therein made,
‘ other than by the forfeiture of Margarete, late
‘ called Queen of Englonde: And also that this
‘ act extend not to any graunte or grauntes afore
‘ this tyme made to any lord not attainted of eny
‘ annuite for the sustentation of his name and
‘ estate, nor to noon office or offices which were
‘ office or offices the seid 4th day of March, or
‘ afore and needeth actuel exercise graunted the
‘ seid 4th day of March or after, to eny persone
‘ or persones for terme of his lyfe, or their lyfes,
‘ with fees, wages and profites to the same office
‘ or offices afore the seid 4th day of March due
‘ and accustomed.

‘ And also that all yests made by the King
‘ the seid 4th day of March, or eny tyme after
‘ under eny of his seales, to eny persone or per-
‘ sones of eny office, whereupon noo charge
‘ hangeth, nor needeth to be of actuell exercise
‘ or occupation, be from the seid fest voide and of
‘ noo force nor effecte.

‘ Also that all grauntes made by the Kyng the
‘ seid 4th day of March, or eny tyme after, to
‘ eny persone or persones of eny office or offices,
‘ with fees and wages then not due and accus-
‘ tomed, nor appurteynyng to the same office or
‘ offices the seid 4th day of March be from the
‘ seid

‘ seid fest, as to the seid fees and wages not due
‘ and accustomed, void and of noo force and
‘ effecte.

‘ This acte to be had, and take with such ex-
‘ ceptions and provisions, as shall please the Kyng
‘ to make.’

Then follow three savings made by the house of commons. 1st. For sums issued to the payment of the King’s own debts. 2. For corporations, cities and boroughs, &c. as to any gift, grant, demise, lease, release, jurisdiction, authority, confirmation, ratification, licence, pardon, &c. granted by the Kings, Henry the 4th, 5th and 6th. 3. For grants or licenses given by the said Kings to any person, to found or make fraternities, gylde, hospitals, &c. or to purchase lands for those uses.

Then follow a prodigious number of savings and exceptions, and so many as, indeed, seem intirely to defeat the design and intention of the act; which, in the 7th of the same reign, produced another resumption.

This heroick Prince, who himself had fought so many battles, and who by his courage, from a private person, got to be King of England, invites his people from the throne, to resume what had been plundered from the crown, in the words following.

‘ * John Say, and ye sirs comyn to this my court
‘ of parlement, for the comon of this my lond :
‘ The cause why Y have called and summoned
‘ this my present parlement, is, Y purpose to lyve
‘ upon my nowne, and not to charge my subgetts,
‘ but in grete and urgent causes, concerning more
‘ the wele of theymself, and also the defence of

* 7 Edw. 4. Rot. Parl. No. 7.

‘ theym,

‘ theym, and of this my reame, rather then my
 ‘ nowne pleaſer, as heretofore by comons of this
 ‘ lond hath been doon, and born unto my proge-
 ‘ nitours in tyme of nede; wherein Y truſt, that
 ‘ ye ſirs, and all the comons of this my lond,
 ‘ wol be as tender and kind unto me in ſuch caſes
 ‘ as heretofore eney comons have been to eney
 ‘ of my ſeid progenitours. And for the good
 ‘ wills, kindneſſe and true herts that ye have born,
 ‘ continued and ſhowed unto me at all tymes here-
 ‘ tofore, Y thank ye as hertily as Y can; as ſo Y
 ‘ truſt ye wol continue in tyme comyng; for the
 ‘ which, by the grace of God, Y ſhall be to you as
 ‘ good and gracious Kyng, and reigne as right,
 ‘ wiſely upon you as ever did eney of my progeni-
 ‘ tours upon comons of this my reame in days
 ‘ paſte; and ſhall alſo in tyme of nede apply
 ‘ my perſone for the wele and defence of you and
 ‘ of this reame, not ſparyng my body nor lyfe for
 ‘ eny jeopardie that mought happen to the ſame.’

“ * Memorandum. Quod quedam cedula for-
 “ mam cujuſdem actus reſumptionis in ſe conti-
 “ nentis exhibita fuit in preſenti parlamento in
 “ hæc verba. ‘ For divers cauſes and confidera-
 ‘ tions concerning the honour, ſtate and proſpe-
 ‘ rite of the Kyng, and alſo of the commonwele,
 ‘ defence, ſurete and welfare of this reame, and
 ‘ his ſubgetts of the ſame, it is ordeyned, enacted
 ‘ and eſtabliſhed by thadvyſe and aſſent of the
 ‘ lords ſpirituells and temporells, and comons in
 ‘ this preſent parlement aſſembled, and by
 ‘ auctorite of the ſame, That the Kyng from the
 ‘ feſt of Eſter laſt paſt, have, take, ſeize, hold
 ‘ and joy all honours, caſtells, lordſhipps, townes,
 ‘ towneshippes, manors, londes, tenementes, waſtes,

* Ibid. No. 8.

‘ foreſtes,

‘ forestes, chaces, rentes, annuities, fermes, fee-
 ‘ fermes, reversiones, services, issues, profits, com-
 ‘ modities, which he was seised and possessed of
 ‘ the 4th day of March, the first yere of his reigne,
 ‘ or eny tyme after, by resone of the coroune of
 ‘ Englonde, the duchie of Cornwaille, principallite
 ‘ of Wales, and erldom of Chestre, or eny of
 ‘ theym in Englonde, Irland, Wales, and marches
 ‘ thereof, or that apperteyned or belonged to hym
 ‘ the same fowerth day, or eny tyme sin, as par-
 ‘ cell of his duchie of Lancastre, or by the for-
 ‘ faiture of Henry the sixt, late in dede, and not
 ‘ in right Kyng of Englonde, or eny person at-
 ‘ teynted sin the 4th day of March, by auctorite
 ‘ of eny parlement holden sin the seid 4th day, or
 ‘ otherwyse attaynted by the course of the comon
 ‘ lawe of this lond, and passed from the Kyng
 ‘ under eny of his seales, to eny persone or per-
 ‘ sones in fee-simple or fee-taille, terme of lyfe or
 ‘ terme of yeres, and that the Kyng fro the seid
 ‘ fest of Ester, have, hold and joye every of the
 ‘ premisses in lyke estate as he had theym the
 ‘ seid fowrthe day of March, or eny tyme after.

‘ Also that all yests, grauntes, ratifications,
 ‘ relefes, leses, demyses and confirmacions made
 ‘ by the Kyng the seid 4th day of March, or eny
 ‘ tyme sin to eny persone or persones of eny of
 ‘ the premisses in fee-simple or fee-taille, terme of
 ‘ lyfe or terme of yeres, under eny of his seales,
 ‘ be from the seid fest of Ester void and of noo
 ‘ force nor effecte.

‘ And furthermore it is ordeyned by the seid
 ‘ advyse, assent and auctorite, That the Kyng
 ‘ from the said fest of Ester, have, take, seise,
 ‘ hold and joy all honours, castells, lordshippes,
 ‘ townes, towneshippes, manours, londes, tene-
 ‘ mentes, rentes, services, possessions, inherita-
 ‘ ments,

ments, issues, profits and comoditees which the
full noble and famous Prynce Richard veray
true and rightwyse enheritour to the reams of
Englond and France, and lordshipp of Ireland,
fader to the Kyng, was seised of to his owne use
and behoofe the 30th day of December, the 39th
yere of the pretended reigne of the seid Henry
the sixth. And that the Kyng from the seid
fest of Ester, have, hold and joy all the seid
honours, castells, lordshipps, townes, towneshippes,
manours, londs, tenementes, rentes, services,
possessions, enheritaments, issues, profits and comoditees
in like estate as his seid fader had theym the seid 30th of December.
And that all yests, grauntes, ratifications, releases,
leses, demyses and confirmations made by the Kyng
sin the same 30th day to eny persone or persones
under eny of his seales of eny of the same possessions,
issues, profits or comoditees, or of eny lordshippes,
manors, londes, tenementes, possessions or enheritaments
wherof eny persone or persones were seised the same 30th day
to the use and behoof of his seid fader, or of eny right,
title or intres of or in eny part of the same, or of or in
eny of the premisses, which his seid fader was seised of
the seid 30th day, or of eny pension, rent, annuitee to be
had, taken, perceyved or levyed of, or in eny part thereof,
or of, or in eny part whereof eny persone or persones were
seised to the use and behoof of his seid fader the seid 30th day,
be from the seid fest of Ester voide and of noo force nor
effecte.

And also by the seid advyse, assent and auctorite,
it is ordeyned and stablished, That such lawfull right,
title, clayme and interest be saved and had to every
persone and persones of every

every theyr heires other than the seid persones
 atteynted and theyr heires claymyng in by theym,
 or eny of theym, as he or they not atteynted
 might or shuld have had in eny of the premisses
 yf this acte had not been made otherwyse then
 by the Kyngs graunte, or eny of his lettres
 patentes, or assignement.

And furthermore it is ordeyned by the seid
 advyse, assent and auctorite, That all yests made
 by the Kyng the seid 4th day of March, or eny
 tyme sin, to eny persone or persones of eny
 office in Englund, Irlond, Wales, or marches
 therof, wherupon no charge hangeth nor need-
 eth to be of actuel exercise or occupation, be
 from the seid fest of Ester voide and of noo
 force nor effecte.

Also, That all grauntes made by the Kyng
 the seid 4th day of March, or eny tyme sin, to
 eny persone or persones of eny office or offices
 in Englund, Irlond, Wales, or marches therof,
 Guisnes, Caleys, or marches therof, with fees,
 wages, profites or commodities not used and ac-
 customed to the same office or offices afore the
 same 4th day of March, be from the seid fest of
 Ester, as to the seid fees, wages, profites and
 commoditees, and every of theym so not used
 and accustomed, voide and of noo force nor effecte.

Also, That every graunte made by the Kyng
 the seid 4th day of March, or eny time since, to
 eny persone for terme of his life of the office of
 serjeant of armes be from the seid fest of Ester
 of noon other force and effecte, than onely at
 the Kyngs will and pleaser.

Then follow several savings much of the like
 nature as those in the former acts; as also some
 regulations relating to the King's tenants, not ma-
 terial to our present subject.

“ Quæ quidem cedula transportata fuit com-
 “ munibus regni Angliæ in dicto parlamento ex-
 “ istent. Cui iidem communes assensum suum
 “ prebuerunt sub hiis verbis. A toutez lez
 “ aîtez & provisiõs desuis escriptez les communes
 “ sont assentuz. Quibus quidem cedula & assensu
 “ in parlamento predicto lectis auditis & plenius
 “ intellectis de avisamento & assensu & autoritate
 “ predict. respondebat eidem in forma sequen.”

Resp. “ Le Roi le voet ovesq. lez provisiõs &
 “ exceptions sur ceo pur luy faitz les tenours de
 “ queux cy apres ensuent.”

That is, the King consents to the bill with the ensuing provisions and exceptions. Then follow a great number of savings and provisions, most of them for private persons, and much of the same nature as those of the former acts.

* And at the closing of the sessions, the King thanks the house of commons, by the mouth of the bishop of Bath and Wells, his then chancellor, for this resumption. “ Pro suis laboribus circa
 “ dictam resumptionem ostensis.—Idem Dominus
 “ Rex omnia & singula per ipsos communes de-
 “ clarata & desiderata profunde conceperat.”

Anno 13 Edw. 4. There passed another act of resumption for that, either the former had been so ill executed, or that the exceptions had been so many as to frustrate the good intentions of the house of commons.

‘ † For divers causes and considerations concern-
 ‘ yng the honour, estate and prosperite of the
 ‘ Kyng, and also the common wele, defence, surete
 ‘ and welfare of this reame and subgettes of the
 ‘ same; it is ordeyned, enacted and stablished by

* 7 Edw. 4. Rot. Parl. No. 15.

† 13 Edw. 4. Rot. Parl. No. 6.

‘ thadvyse and assent of the lordes spirituels and
 ‘ temporells, and by the commons in this present
 ‘ parlement assembled, and by the auctorite of the
 ‘ same, That the Kyng from the fest of the seynt
 ‘ Thomas thappestill, that shall be in the yere of
 ‘ our Lord God one thousand fowre hundred seventy
 ‘ and three, shall have, take, seise, hold, possesse and
 ‘ joye all honours, castelles, lordshipps, manors,
 ‘ londs, tenementes, rentes and annuities, which he
 ‘ was seised and possessed of in the 4th day of
 ‘ Marche, the first yere of his reign, or eny time after
 ‘ by reason of the corone of Englund; in Eng-
 ‘ lond, Irlond, Wales, or marches therof, Guyynes,
 ‘ Caley, or marches therof; and also that apper-
 ‘ teyned or belonged to him the same 4th day of
 ‘ March, or eny tyme syth, as parcell of hys
 ‘ duchie of Lancastre, or by forfaiture of Henry
 ‘ the sixt late in dede, and not in right King of
 ‘ Englund: and of eny persone atteynted sith the
 ‘ seid 4th day of March by auctorite of eny par-
 ‘ lament holden sith the same 4th day of March,
 ‘ or otherwyse atteynted by the cours of the com-
 ‘ mon lawe of this lond, and passed fro the Kyng
 ‘ undre eny of his seales to eny persone or per-
 ‘ sones in fee-simple or fee-taille, for terme of
 ‘ lyfe, or terme of yeres, or otherwyse, by the
 ‘ Kyngs graunte under his seales; and that the
 ‘ Kyng from the seid fest of St. Thomas, have,
 ‘ hold, possesse and enjoye eny of the premisses in
 ‘ and of like estate and condition, as he had theym
 ‘ in the seid 4th day of March, or eny tyme after.

‘ And furthermore, it is ordeyned by the seid
 ‘ advyse, assent and auctorite, That the Kyng
 ‘ from the seid fest of seynt Thomas, have, take,
 ‘ seise, hold and enjoye all honours, castells, lord-
 ‘ shipps, manoirs, londes, tenements, rentes and
 ‘ annuities, which the full noble and famous

‘ Prynce Richard veray true and rightwyse enheri-
 ‘ tour to the reames of Englonde and France, and
 ‘ lordshippe of Irlond, fader to the Kyng, was
 ‘ seised of to his owne use and behove the 29th
 ‘ day of December the 29th yere of the pretended
 ‘ reigne of the seid Henry the sixt: and that the
 ‘ Kyng from the seyde fest of seynt Thomas, have,
 ‘ hold and enjoye all the same honours, castles,
 ‘ manoirs, londes, tenementes, rentes, annuitees,
 ‘ in, and of like estate and condition as his seid
 ‘ fader had theym the seid 29th day, and passed
 ‘ from the Kyng to eny persone or persones under
 ‘ eny of his seales, in fee-simple, fee-taille, terme
 ‘ of lyfe or term of yeres. Also, that all yestes,
 ‘ grauntes, relefes and demyses made by the Kyng
 ‘ the seid fourth day of Marche, or eny tyme sith,
 ‘ to eny persone or persones, of, or in eny of the
 ‘ premisses, in fee-simple, fee-taille, term of lyfe
 ‘ or terme of yeres, or otherwyse, under eny of
 ‘ his seales, be from the seid fest of seynt Thomas
 ‘ voide and of noo force nor effecte. And also by
 ‘ the seid advyse, assent and auctorite, it is or-
 ‘ deynd and stablished, That such lawfull right,
 ‘ title, clayme and interest be saved, and had to
 ‘ every persone or persones, and every theyre heyres
 ‘ other than such persones now beyng atteynted of
 ‘ treason, and theyr heyres clayming in by theym,
 ‘ or eny of theym so atteynte, might or shuld
 ‘ have had in eny of the premisses yf this acte had
 ‘ not be made otherwyse then by the Kyngs
 ‘ graunte, or eny his letters patentes, or auctorite
 ‘ of parlement.’

What follows being joined with this act, and
 shewing the wisdom and frugality of those times,
 and the methods they took to put the King out of
 debt, we thought it would not be foreign to our
 present matter to insert it.

‘ Also,

‘ Also, in this parlement begun and holden, &c.
 ‘ —Grete multitude of assignments, as well by
 ‘ letters patentes of the Kyng, tailles, debentours,
 ‘ and other bills levyed and rered at the receipte
 ‘ of his exchequer or otherwyse, as by billes undre
 ‘ the seale or seals beyng in the same receite or-
 ‘ deyned for assignments to be made upon the
 ‘ possessions of the duchie of Lancastre, Wales,
 ‘ duchie of Yorke, and erldome of Marche, as
 ‘ well for the Kyngs household and wardrobe, and
 ‘ for his werkes as for many and divers somes of
 ‘ money in tymes of divers persones, late tresorers
 ‘ of Englund, sith the first day of the Kyngs
 ‘ reigne, dyversly have be made grete part of the
 ‘ which assignments by bill and otherwise inorde-
 ‘ nately, and without grounde of duete, have be
 ‘ had and made as it is understood: it is therefore
 ‘ ordeyned by thadvyse and assent of the Lordes
 ‘ spirituels and temporels, and the Commons in
 ‘ the same parlement, the seid sixth day of October,
 ‘ in the seid thirteenth yere assembled, and by
 ‘ auctorite of the same, that before the fifteenth of
 ‘ Ester next now to come, open proclamation be
 ‘ made within every shire of the reame, in every
 ‘ markette-towne within the same shire, by the
 ‘ shiref, or shirefs of the same shire or shires for
 ‘ the tyme beyng: and that every shiref duely
 ‘ make the proclamation in that partie, and the
 ‘ writ thereof serve and retorne at the day of the
 ‘ retorne of the same, upon the paine to forfait
 ‘ at every defaute to the Kyng one hundred pounds:
 ‘ that every persone or persones having eny pa-
 ‘ tente, taille or bille made, rered or assigned
 ‘ before the first day of Decembre, in the tenth
 ‘ yere of his seid reigne, for eny some or somes of

* Ibid. No. 7.

L 8

‘ money

‘ money conteyned or specefied in eny of the fame
‘ appere before the Barons of the Kyngs exchequer
‘ at Westminster, in his proper persone, or by his
‘ atourny or fervaunt, having fuffifant auctorite of
‘ him afore the fifteeneth of Ester, which shall be
‘ in the yere of our Lord 1475, there to shewe
‘ and prove that the somes of money conteyned
‘ and specified in his or their patent, taille or bille,
‘ was by, or upon eny true grounde or cause due
‘ by the King at the tyme of the making, rearyng,
‘ or assignment of the seid patent, taille or bille,
‘ made, reared or assigned to the fame persone or
‘ persones named in the fame patent, taille or bille
‘ for the Kings house, for the King’s chambre, his
‘ wardrobe, his werks or money to him lent for
‘ the victualler of Calleys, or eny of theym, or
‘ for eny other cause, that the same Barons upon
‘ due prove theire discretions had and made of eny
‘ some and somes in such taille or bille to be due
‘ by the Kyng, and at the tyme of the seid prove
‘ made not paid, have auctorite and power by this
‘ acte, to certifye into the receipte of the Kyngs
‘ exchequer of the some and somes so proved due,
‘ and of the name or names of the persone or per-
‘ sones to whom the seid some or somes so shall be
‘ proved to be due: and thereupon by this acte
‘ the tresorer and chamberleyns of the Kings re-
‘ ceipt for the tyme beyng, dyvydyng severally the
‘ seid debte into twenty partes by even portions,
‘ without delay or denyer at the Kings proper cost
‘ and charge rere, there make and delivre twenty
‘ tailles or biles accordyng, payable yerely iche
‘ after other within twenty yeres then next ensue-
‘ yng, to have and reteyne in such place or places,
‘ and under such forme as the tresorer of Englonde
‘ for the tyme being, with the reasonable agree-
‘ ment of the seid persone or persones to whom
‘ such

such duetee shall be proved due, shall be thought reasonable. And as for such duetees as shall be found due to eny of the seid persones afore the seid Barons, by reason of eny such letters patentes that the seid Barons shall certifie such duetees as they shall fynde due by eny such letters patentes made under the Kyngs grete seale, to the Chaunceller of Englund for the tyme beyng: and such duetees as shall be founde due to eny persone before the seid Barons, by reason of eny of the Kyngs letters patentes made undre the seal of his duchie of Lancastre, to the Chaunceller of the same duchie for the tyme beyng: and then that every of the seid Chauncellers for such somes so to theym certified, do make at the Kyngs cost and charge to such persones as such duetees shall be found due to, letters patentes, to receyve, have or reteyne such somes of money as shall be to theym certyfyed, and to be had, received or reteyned yerely within twenty yeres next ensueyng, the date of the seid letters patentes ratelly as is aforeseid in such place or places, ground or grounds as the same persones afore this acte were assigned or lymytted: and that the seid tailles, billes, and letters patentes severally to be rered and made be and stond good and effectuel in law, and preferred in payment before eny other payment by patent, taille or bille, or eny other assignment or cause rered, made or had after the rering of the seid tailles: and that all the seid letters patentes, tailles, billes, and every of theym not shewed afore the seid fifteeneth before the seid Barons be voide, and the Kyng therefore acquite and discharged. And also that all lettres patentes, tailles, bills, and every of theym shewed afore the seid Barons, and before theym proved not to be made, reared or assigned upon true

L 4

grounde

‘ grounde or cause of duetee in likewyse to be
 ‘ voide, and the Kyng therof quite and discharged
 ‘ for evermore.’

Then follow 16 exceptions or savings as to private interests, which the House of Commons make, and they are much of the same nature as those in the other acts.

Resp. ‘ As touching this bill of resumption,
 ‘ and the other acte above specified concerninge
 ‘ assignations made by the Kyng, and the fourme
 ‘ of payments of his dettes, and all thynges com-
 ‘ prised in either of the seid billes and acte, and
 ‘ the other matiers and articules above specified,
 ‘ the Kyngs Highnesse hath well conceyved and
 ‘ understonde the same, and by thadvyse and assent
 ‘ of the Lordes spirituells and Lordes temporells,
 ‘ and the Comons beyng in this present parlement,
 ‘ and by the auctorite of the same theym hath
 ‘ accepted and agreed. So also that such pro-
 ‘ visions and exceptions as by his highness be, or
 ‘ shall be made and agreed, and duryng the tyme
 ‘ of this present parlement in writing, to or upon
 ‘ the premisses be good and effectuel the seide bille
 ‘ or acte, or eny other the premisses, notwith-
 ‘ stondyng for the equyte and right wis reward
 ‘ that the King intendeth to do to every of his
 ‘ subgiетts for his merites, which shall be to the
 ‘ pleaſer of God, and honour of his highnesse,
 ‘ and the weel of all the lond and people.’

Then follow a great number of exceptions brought in by the King, but they do not seem of that nature, as if it were designed they should defeat the intentions of the House of Commons, as the savings in the first act of Resumption passed in this reign plainly did: so that at last both King and people appear to be in earnest in this matter.

But

But all the acts of resumption hitherto passed, were not thought sufficient; so that though we cannot find Richard the 3d, who succeeded Edward, was any great giver, yet the parliament in the reign of Henry 7th, who was successor to Richard, believed another resumption necessary.

* Anno 1 Hen. 7. ‘ Prayen the Commons in
 ‘ this present parliament assembled, That where
 ‘ the most noble and blessed Prince of most holy
 ‘ memory, King Henry the 6th your uncle, whom
 ‘ God rest, and other your noble progenitours,
 ‘ have kept as worshipfull, noble and honorable
 ‘ estate of their household in this lond of the
 ‘ revenues thereof, as have done eny King or
 ‘ Prince in Englund christenned to the ease and
 ‘ rest of the people of the same, without agrudging
 ‘ or lack of payment therfore, such as caused all
 ‘ other londs to have this your said lond in as
 ‘ worshipfull renown, and as great dread as any
 ‘ other lond christenned, and for that the revenues
 ‘ of your said lond to your highnesse now belong-
 ‘ ing mowe not suffice to keep and susteine your
 ‘ honourable household, nor your other ordinarie
 ‘ charges which must be kept and born worship-
 ‘ fully and honourably, as it accordeth to the
 ‘ honour of your estate and your seid realm, by
 ‘ which your adversaries and enemies shall fall into
 ‘ the dread wherin heretofore they have byn. That
 ‘ it would please your highnesse, by thadvyse and
 ‘ assent of the Lords spiritual and temporall, in
 ‘ this present parliament assembled, and by auctoritie
 ‘ of the same, for the conservation and suportation
 ‘ of your said estate, which first to Gods pleasure,
 ‘ secundarie for your own suertie, honour and weal,
 ‘ and for the third, to the universal weal, ease, rest

* Rot. Parl. 1 Hen. 7. p. 2.

‘ and

‘ and furtie of this land, the which you owe to
‘ preferre afore the favour of any persone, or any
‘ place, or other thing earthly; to take, seise,
‘ have, reteyne and resume into your hands and
‘ possession, from the 21st day of August last
‘ passed, all such castles, lordshipps, honours,
‘ manours, londs, tenements, rents, services, fee-
‘ fermes, knights fees, advowsons, annuities, yefts
‘ of offices to yeve at your pleasure, grantes of
‘ keeping ideots, faires, markets, hundreds, turnes,
‘ views of frankpledge, leets, yssues, fines, amer-
‘ ciaments, libertees, fraunchises, prorogatives,
‘ escheates, custumes, reversions, remainders, and
‘ all other hereditaments, with their appurtenances
‘ whatsoever they be in England, Wales, Ireland,
‘ of Caleys, or the marches thereof, as the said
‘ most christen and blessed Prince, King Henry
‘ the 6th, your unkle, had of estate of enheritance,
‘ or any other to his use, had the 2d day of October,
‘ the 34th year of his reigne, or any tyme sith, as
‘ parcell, or in the right and title of the crown of
‘ England, of the duchie of Lancastre, the duchie
‘ of Cornwall, the principalitie of Wales, and the
‘ earldom of Chester. Saving to every of your
‘ liege people such right, title and interesse, as they,
‘ or any of them should have, or might have had
‘ in, or of the premisses, or any parcel thereof,
‘ other than by means of lettres patentes of any
‘ King of this your realm, or by act of parliament
‘ made after the said 2d day. And over this be it
‘ enacted, ordeyned and stablished by the same
‘ auctoritie, that all yefts, graunts, leases, releases,
‘ confirmations and discharges of any castels, ho-
‘ nours, lordshipps, manours, londs, tenements,
‘ rents, services, reversions, annuities, fee-farmes,
‘ offices, liberties, fraunchises, or other heredita-
‘ ments, and all appropriations, corporations, col-
‘ lations,

‘ lations, assignments, and graunts of any debt,
 ‘ or summes of mony, by letters patentes, or tailles
 ‘ as to any payment only, whereof the days of
 ‘ payment, have or shall grow after the 21st day
 ‘ of August last passed, made by Richard the 3d,
 ‘ late in dede and not of right, King of Englonde,
 ‘ any tyme during his usurped reigne, under his
 ‘ great seale of the countie palatine of Chester, or
 ‘ by tailles to any persone or persones, or body cor-
 ‘ porate; and also all yests and grauntes by au-
 ‘ thoritie of parliament or otherwyse, made by
 ‘ Edward the 4th, late King of England, or by
 ‘ Edward his son, late called King Edward the
 ‘ 5th, to any persone or persones, be fro the said
 ‘ 21st day of August adnulled, void, and of no
 ‘ force ne effecte. And all graunts made by the
 ‘ said Edward the 4th, late King of, or touching
 ‘ the earldome of Devonshire, or any parcell
 ‘ thereof, be from the same 21st day also void, and
 ‘ of no force ne effecte.’ Then comes,

A saving for some special grants made by Ed-
 ward the 4th, and King Richard, as to lands of
 the county palatine of Lancaster, Chester, or of
 the earldom of March. A saving to abbots, ab-
 beses, priories in England or Wales, as to the
 restitution of any of their temporalities. A saving
 for license to incorporate or found any chantery, &c.
 Then follows,

‘ And over this be it inacted, ordeyned, and
 ‘ stablished by the sayd auctorite, that all grauntes
 ‘ and letters patentes of any office made by our
 ‘ sayd soveraign Lord, afore the 20th day of Ja-
 ‘ nuary, the 1st year of our reign, to any persone
 ‘ or persons, be from henceforth void ne of no
 ‘ effecte.’

A saving for the great officers and others, as to
 their employments and wages.

A saving

A saving for the patents of the peers, and their creation-money. And to corporations, &c.

Then follow 10 exceptions or savings, made by the House of Commons to the said bill, and such of them as are either general or particular, are much of the like nature with the savings in other acts.

Resp. ‘As touching this bill of resumption, the
 ‘ King’s highnesse hath well conceived and under-
 ‘ stood the same hath therefore by thadvise and
 ‘ assent of the Lords spirituells and temporels and
 ‘ Commons in this present parliament, and by
 ‘ thauuctoritie of the same it accepted and agreed.
 ‘ So alway, that such provisions and exceptions as
 ‘ by his highnesse, be, and shall be made and
 ‘ agreed, and during the time of this present par-
 ‘ liament, put in writing, to or upon the premisses
 ‘ be good and effectual. The said bill or act, or
 ‘ any other the premisses notwithstanding. For
 ‘ the equitie and rightwise reward that the King
 ‘ entendeth to doe to every of his subgiетts, for
 ‘ his merits, which shall be to the pleasure of God,
 ‘ and honour of his highness, and the weale of all
 ‘ his lond and people.’

Then follow many particular exceptions, more in number than in any other of the acts, but under this frugal King we may suppose they are not such as would make the act ineffectual.

Besides, in this reign there passed several particular acts of resumption, for which we shall refer the reader to the records.

* Anno 33 Hen. 7. An act of resumption of the offices or places of receivers, auditors, customers, collectors of customs, subsidies, comptrollers,

* Rot. Parl. 3 Hen. 7. N^o 35.

searchers, surveyors and places of other officers, accomptants to the King.

* Anno 11 Hen. 7. An act of resumption of divers castles, mannors, lands and tenements, which were formerly given by King Edward the 3d, and King Richard the 2d, to Edmond de Langley, Duke of York.

† In the same year an act for making void all grants made of the mannor of Woodstock.

‡ In the same year an act for making void divers leases and offices within the principality of Wales, dutchy of Cornwall, and earldom of Chester.

Anno 6 Hen. 8. There passed another act of resumption, which related only to resuming needless offices and pensions.

¶ ‘Prayen, and in most humble wise, beseeching
‘ your heyghness, your humble subjects the Com-
‘ mons in this present parlement, by your high
‘ commandment assembled, That where the most
‘ Christen Princes, King Henry the 6th, King Ed-
‘ ward the 4th, and the most famous and renowned
‘ Prince of most worthie memorie, King Henry
‘ the 7th your fader, whom God pardon, and
‘ other your noble progenitours, have kept as
‘ honourable astatcs, as well in their own persons
‘ as in their households, and other their charges as
‘ well in defence of this your realm, as in defence
‘ of the towns of Caley, Guisnes, Hammes,
‘ Berwick, and the marches of the same, and
‘ other charges of this your realm of the onely
‘ revenues thereof, as hath any King or Christen
‘ Prince, in any oder Christen region, not onely to
‘ the great honour of the same, but also to the

* Rot. Parl. 11 Hen. 7. N^o. 2.

† Rot. ibid. N^o. 4.

‡ Ibid. N^o. 6.

¶ Rot. Parl. 6 Hen. 8. N^o. 8.

‘ great ease, rest and quietness of the people of
‘ the same, which caused all other lands and
‘ realms to have this your realm in great renowne,
‘ drede and fear, and your said progenitours to be
‘ dradde of all outward nations.

‘ And so it is, most drade Sovereign Lord, that
‘ the revenues of your lands, and other things late
‘ being in your hands and possessions be so great
‘ mynyshed, by reason of the manyfold yifts,
‘ graunts and releases passed from your highness
‘ since the begynnyng of your most noble reigne
‘ hitherto, that the residue therof now remaining
‘ in your hands and possession in no wyse suffiseth,
‘ nor can suffice to bear and susteyn your great
‘ charges dayly increasen, as well by reason of your
‘ wars now being in hand against your antient
‘ enemies the Scots, as of your great charges in
‘ keeping and defence of your city of Tournay,
‘ late by youre Grace victoriously conquered, and
‘ which of very necessity must be maintained and
‘ born as accordeth to your princely astate and
‘ honour of your highnesse, and fuerde of your
‘ humble subjects, and of youre realme.

‘ In consideration whereof yt may please your
‘ highness, by thadvise of the Lords spiritual and
‘ temporal, in this present parliament assembled,
‘ and by aucthority of the same, for the conserva-
‘ tion and maintaining of youre most royal astate,
‘ and oder charges above rehearsed, to the pleasure
‘ of God, and for youre own honour and fuerde;
‘ and also for the universal weal, ease, rest and
‘ fuerde of this youre realme and land, and for the
‘ mynyshyng and lessening of the charges and
‘ burden of youre said poor Commons and subjects
‘ of the same, which your Grace oweth to preferr
‘ and specially regarde before the favour of any
‘ particular persons, or earthly things, to take,
‘ seise,

‘ seife, resume and have into your hands, from the
 ‘ feast of Easter next coming, all and singular
 ‘ those and such annuities graunted to any persone
 ‘ or persones by your highness, by your letters
 ‘ patents, not for exercising of any office which
 ‘ be not ne at any time of the said letters patents
 ‘ made, were rent-service or rent-charge of any
 ‘ estate of enheritaunce in your highnesse, and that
 ‘ all the sayd letters patents of all the same an-
 ‘ nuities, and every of them from the sayd feast
 ‘ of Ester onely, touching the said graunt of the
 ‘ same annuities be utterly void and of no effecte.

‘ And also, that all letters patents, grants and
 ‘ bills signed by your highnesse, made to any per-
 ‘ sone or persones, of any office or offices, or
 ‘ rowme to be had after the deth of any patenteth
 ‘ the same patentee being yet alive, and in pos-
 ‘ session by vertue of his patent, or of the next
 ‘ avoydance of any avowsons of churches, bene-
 ‘ fices, chauntreys, hospitals, prebends, or of any
 ‘ spiritual benefices not executed, be from hence-
 ‘ forth utterly void and of none effecte.’

Then follow some other regulations relating to
 offices, places and pensions. After which there is
 a saving for the peers, as to their creation-money:
 And then for George, earl of Shrewsbury, of, and
 for the stewardship of Tutbury, parcel of the
 dutchy of Lancaster, &c. signed with the King’s
 own hand. Then follow savings for several great
 officers, and for the Queen.

And then comes a provision for offices in the
 King’s lands, castles and mannors, &c. then follow
 some particular savings, and those not many.

Resp. ‘ Le Roy le Veult.’

So that this Prince, as arbitrary as he was, gave
 way to this resumption made in parliament.

The

The writer of these papers (though it has proved a matter of great labour) has thought it best to set down the very words of all these acts of resumption, omitting the savings, which in each bill are very numerous; but to give the reader light into the nature of these exceptions, he did extract all the savings that were brought into the first compleat act, that passed upon this subject, which was 28 Hen. 6. And by those the reader may judge of the rest; for they which followed were much of the like nature.

It is true, his work will thereby seem tedious, but curious persons may, perhaps, receive satisfaction, to see the sense of their fore-fathers upon this point. And we take it, that the wisdom and gravity with which these acts are penned, and the exactness and care which the House of Commons from time to time showed in this whole transaction, will prove no unpleasant piece of history.

He has done impartially, and taken notice of what may make against, as well as for his present argument, that the reader may have the whole before him. And in this transcript he has followed the best copies of records he could procure, such as have been signed and examined at the Tower, in which he believes there is no material error, and that they are according to the original records, except in orthography, or spelling words, wherein all transcribers of records mistake and differ with one another: but as to the French records, both in this and the following section, the author has examined them all at the Tower by the rolls.

As to what was done upon Resumptions before the reign of Edward the 2d, he has therein followed the best ancient writers of our English history, whose authority may be relied upon, because most of such as he has cited, wrote of things done near, or in their own times.

But

But for their ease, who do not care to read much, and to help the memory of others, he will recapitulate in a few words the several resumptions; afterwards he will make some few observations upon the whole, and examine what effect these acts of resumption produced, as to enlarging the crown-revenue, and then conclude this long section.

1st, A resumption was made by William Rufus.

2dly, A resumption by Henry the 1st.

3dly, A resumption agreed to by King Stephen.

4thly, A resumption actually made by Henry the 2d.

5thly, A resumption by Richard the 1st.

6thly, A resumption by Edward the 2d.

7thly, Resumptions made by Richard the 2d.

8thly, Resumptions made by Henry the 4th, particularly of the lands belonging to Windsor-castle.

9thly, Three resumptions made in the reign of Henry the 6th.

10thly, Four resumptions made in the reign of Edward the 4th.

11thly, One general act, and other particular acts of resumption in the reign of Henry the 7th.

12thly, An act of resumption of divers offices, annuities, and other things, in the reign of Henry the 8th.

Upon the whole matter these observations may be made.

1st, From the forecited records, it appears, that the people of England have in no age thought it reasonable, that the crown-revenue should be alienated.

2dly, That not only under the reigns of weak and unfortunate princes, but when there has been upon the throne martial and active kings, this nation has all along insisted upon resumptions.

3dly, It appears from the said records, that very few of the said resumptions did look farther backward than the reign of the present Prince.

4thly, That the people have been most provoked, when the crown-lands have been given away to foreigners.

5thly, That the House of Commons in their bills of resumption made very few savings, as to the interests of private men.

6thly, That it appears from the said records, that very small things were looked into, and that in the 3 resumptions made by Henry the 6th, it does not appear there were savings for any large grant.

7thly, That in some of their bills the House of Commons insisted upon penalties, to be inflicted upon such as should procure grants of the crown-revenue.

8thly, That by the profusion of some Princes, the crown-revenue was reduced from 56,966l. to 5,000l. per annum.

9thly, That Edward the 4th invited his parliament, in his speech from the throne anno 7, to make an act of resumption.

10thly, That in the many acts made to this purpose, every following act was penned with stricter clauses, and to reach more than the former did.

11thly, That the act made the 28 Hen. 6. provides, that the lands so resumed should be for the expences of the King's household.

12thly, That some of these resumptions, as that of 3 and 4 of Edw. 4. extended not only to the crown-revenue, but also to what was the King's own patrimonially, namely, to his dutchy of York, and earldom of March. And that anno 7. all was resumed, which belonged to Richard, duke of York, the King's father, the 30th of December, anno 39 Hen. 6. The same 13 Edw. 4.

13thly,

13thly, That in these acts of resumption, the fallaries and wages are taken away of all superfluous offices, which required no attendance and execution, and which were newly erected.

14thly, That some of these acts establish, that the lands so resumed should continue in the crown.

15thly, That it will appear to any who will look into the voluminous savings and exceptions which were brought in by the King to the said acts; that many of the grants in those ages made for lands or pensions, were only for term of life or term of years, and to return to the crown.

16thly, That in many of the savings, as to the interest of private men, where there is something left, there is something resumed.

17thly, That most of these acts not only resume the crown-lands, but revoke all unnecessary pensions.

18thly, That the 33 Henry 6. resumes the land passed away from the crown, even by authority of parliament.

19thly, That in all these acts except 28 Hen. 6. the lands in Ireland are comprehended.

20thly, As every subsequent act was more strictly penned than that which went before, so the exceptions and savings brought in by Edward the 4th, (Henry the 6th were at last few and frugal) became every time more moderate than the other; so that in the end, both Prince and parliament agreed, that a resumption was necessary, and would be greatly beneficial to the kingdom.

But now as to the effects which these acts of resumption produced; it appears manifestly, that they were put in execution, and that the savings and exceptions were not such, as to defeat the designs of the parliament, which some people pretend to suggest; and it is likewise evident, that the crown-revenue was thereby very much increased.

For the records plainly show, that the whole income of the crown, annis 28 and 29 Hen. 6. was reduced to 5,000l. per annum. Edward the 4th, who succeeded, was an expensive Prince; Richard the 3d, his brother, a frugal man indeed, but his reign was too short to make any great improvements in his revenue; and yet we find Henry the 7th, his successor, master of more ready money than ever any King of England was either before, or since his time.

This Prince had not many aids from his people; * Sir Robert Cotton enumerates them: but one aid upon land, viz. anno 19. Out of their goods and lands a tenth; out of their goods only thrice a tenth; five fifteenths, besides a tenth and fifteenth, which amounted to 120,000l. Three subsidies, of which the last came to but 36,000l. One benevolence. And of the clergy twice the tenth, and 25,000l. by way of subsidy; and yet Cotton says (for which he cites a good † authority) ‘ That he left behind him in bullion, four millions ‘ and a half, besides his plate and rich attire of ‘ house.’ My lord ‡ Bacon, indeed, brings the sum lower, and says it was near 1,800,000l. sterling. But to reckon according to either of these authors, the sum was prodigious for those times.

It is true, he had very extraordinary ways of scraping up money, such as sale of offices, redemption of penalties, dispensing with the laws, and the like; but all these together produced only || 120,000l. per annum. Besides, Empson and Dudley, the two ministers of his extortions, did

* Answer to the reasons for foreign wars, p. 15.

† Lib. Acquit. int. Regem & Dudley, R. C.

‡ Life of Hen. 7. p. 230.

|| Answer to the reasons, &c. p. 52.

not commit their rapines till towards the latter end of his reign.

From whence we may reasonably conclude, that the principal foundation of all this wealth (joined with his own parsimony) must have been the crown-revenue, and that the former acts of resumption with that which was made in his own reign (which no doubt this frugal Prince took care to see put in execution) had reduced it to its former state and condition.

For had no more been left than 5,000l. per ann. there would have been no matter for his œconomy to work upon; so that we may very well infer, that the fore-mentioned resumptions had relieved the King's affairs, and brought the crown-revenue once more into a flourishing condition.

But Hen. 8th not only spent the immense sum left him by his father, but likewise a great part of that revenue which came to the crown by seizing the abby-lands, which amounted to * 131,607l. 6s. 4d. per ann. However, he who considers the history of those times, and how much this Prince made himself the arbiter of Europe, will find his money was not so unprofitably spent as is vulgarly imagined. Besides, † great sums were laid out on building and fortifying many ports in the channel, and other parts of England, which were raised by the sale of abby-lands.

But notwithstanding the expensive temper of this Prince, he left his successors very sufficient and substantial landlords in England: for we found in Sir Robert Cotton's library, in a ‡ book, part of which is of that learned antiquary's own hand-

* Hist. of the Reform. part 2. p. 268.

† Ibid. p. 269.

‡ Cleopatra, F. 6. fol. 51.

writing, and to which King James the 1st has set his name, James R. which book contains very many curious things: That the revenue of the 12th of Elizabeth, besides the wards and dutchy of Lancaſter, amounted to 18[?], 197l. 4s. per ann.

The writer of theſe papers does not remember to have met with any thing relating to reſumptions in the reign of Queen Elizabeth; but the reaſon why nothing of that nature ſhould be done in her time, is very obvious; her father had alienated from the crown a great part of the abby-lands, or exchanged them for other lands (as a multitude of acts paſſed to that purpoſe in his reign witneſs:) And it was a ſtrong ſecurity to the Proteſtant religion and intereſt, that thoſe eſtates ſhould remain in the hands and poſſeſſions of private perſons.

A reſumption was thought on in the reign of King James the 1st, of which the forementioned tracts of Sir Robert Cotton are a ſufficient evidence: beſides, in the * annals of thoſe times, it is ſaid to have been debated in council.

But in the reign of King Charles the 2d, a reſumption was again agitated; for we find in the Journals of the Houſe of Commons, Martiſ 22 die Maii, 1660. ‘ A bill for making void of grants
‘ made ſince May 1642, of titles of honour, man-
‘ nors, lands, tenements and hereditaments, paſſed
‘ under ſeveral great ſeals by the late King Charles,
‘ or the King’s majeſty that now is, or any other
‘ great ſeal, was this day read the ſecond time,
‘ and, upon the queſtion, committed, &c.’

And as a mark that theſe alienations of the crown-revenue were always diſtaſteful to the people of England; and to ſhow that the Houſe of Com-

* Annals of King James, p. 10.

mons desired, that a new Prince should betimes know the nation's sense in this matter, we shall produce the following resolves of that parliament which restored King Charles.

Martis 4 die Sept. 1660. ' Resolved, That this
' House doth agree with the committee, that a bill
' be brought in for settling the lands of the crown,
' so as that no grant of the inheritance shall be
' good in law, nor any lease for more than 3 lives,
' or 31 years, where a third part of the true
' yearly value is reserved for a rent, as it shall
' appear upon a return of a survey, which that
' act is to take order for, to be speedily had and
' taken; and that Mr. Solicitor General, and Mr.
' Serjeant Glyn, do prepare and bring in a bill
' accordingly.

' Resolved, That this House doth agree with
' the committee, that the King's majesty be humbly
' desired from this House to forbear to make any
' leases of the lands, or other grants of the revenue
' of the crown, till the said last mentioned act be
' passed.'

And the reason why these good resolutions took no effect, is not at all difficult to discover. It is to be feared that too many (we mean without doors) in those corrupt times, not only were concerned in the grant already made, but likewise did design, as it proved afterwards, to get for themselves what remained of the King's lands.

And now for a full answer to those who pretend resumptions had never any effect, we shall produce a state of the crown-revenue, as it lay before the House of Commons the same year.

* Tuesday, Sept. 4, 1660. ' Sir Heneage Finch
' reports from the committee, That according to
' the best information the committee could receive,

* Journals, vol. viii. p. 150.

‘ and by estimate, the revenue amounted to
 ‘ 819,398 l. per annum, viz.

	l.
‘ By customs - - - -	400,000
‘ By composition for the court of wards	100,000
‘ The revenue of farms and rents -	263,598
‘ The office of postage - -	21,500
‘ The proceed of Dean forest - -	4,000
‘ The imposition on sea-coal exported -	8,000
‘ Wine-licence, and other additions, -	22,300
Total	819,398

From which account it appears, that notwithstanding the profusion of Henry the 8th, and the irregular bounty of King James the 1st to his Scots; the land-revenue of the crown, which anno 28 Hen. 6. when the parliament made the first formal and regular resumption, was reduced to 5000 l. per annum, came afterwards (with the forest of Dean) to amount to 267,598 l. per annum.

Our Princes have seldom been known to purchase lands. The abby-lands could not make this great increase; besides, it is notorious, King Henry the 8th either sold or gave away a great part of the church-lands: From all which it must follow by undeniable consequence, that the fore-mentioned acts of resumption did restore the crown-revenue, consisting in rents and farms, to the state and condition, wherein it was in the beginning of King Charles the 2d's reign.

And lastly, For their satisfaction, who pretend resumptions are against the fundamentals of our English law, we shall produce the opinion of a venerable and learned lawyer in this point; it is taken out of a book, written by Sir John Fortescue,

tescue, chief justice of the Common-pleas, in the reign of Henry the 6th. The manuscript is in the Bodleian library at Oxford; it is intituled, Sir John Fortescue's Treatise De Dominio Regali, and De Dominio Regali & Politico. But let the author himself speak with his old English heart, as well as in his old English words.

Chap. xi.

Hereafter ys schewyd what of the Kyng's lyvelood geven away, may best be takyn ageyne.

* ——— ‘ The Kyng, our souveraign lord, had
 ‘ by times fethen he reyned upon us lyvelood, in
 ‘ lordshipps, londs, tenements and rents, nere hand
 ‘ to the value of the 5th part of his realme, above
 ‘ the possessions of the chirche; by whiche lyve-
 ‘ lood if it had abydyn still in his hands, he had
 ‘ been more mighty of good revenues, than any
 ‘ of the sayd two Kyngs [sc. the Kyng of France
 ‘ or the Sowdan of Babylon] or any Kyng that
 ‘ now reyneth upon Christen men. But this was
 ‘ not possible to have done, for to sum parte
 ‘ thereof the heyres of them that sum time owyd
 ‘ it be restored, sum by reason of talys, sum by
 ‘ reason of other tytles, which the Kyng hath
 ‘ confidered, and thought them good and reason-
 ‘ able. And sum of the same lyvelood hys good
 ‘ grace hath gyven to such as hath servyd him so
 ‘ notably, that as their renown will be eternal, so
 ‘ it befetteth the Kyngs magnificence, to make
 ‘ their rewards everlasting in their heyres to his
 ‘ honour, and their perpetual memory. And also
 ‘ the Kyng hath gyven parte of lyvelood to his
 ‘ most honourable brethren, which not onley have

* Bib. Bodl. Digb. 145.

‘ fervid hym in the manner aforeſaid, but byn alſo
 ‘ ſo nygh in blode to his highneſſe, that it befet
 ‘ not his magnificence to have done otherwiſe.
 ‘ Nevertheleſſe ſome men have done hym ſervice,
 ‘ for which it is reaſonable that his grace had
 ‘ rewardyd them, and for lack of money the Kyng
 ‘ than rewarded them with lond: and to ſum men
 ‘ he hath done yn likewise above their demerits
 ‘ thorow importunate of their ſewtes. And yt is
 ‘ ſuppoſyd that to ſome of them is gyven a C l.
 ‘ worth lond yerely, that would have hould him
 ‘ content with CC l. in money, if they might have
 ‘ had it in hande; wherefore yt is thought, yf ſuch
 ‘ giſtes, and namely, thoſe which have byn made
 ‘ inconfyderately, or above the merits of them
 ‘ that have them, ware reformyd, and they re-
 ‘ wardyd with money or offices, or ſomewhat lyve-
 ‘ lood for terme of lyfe, which after their deths
 ‘ wold then return to the crown, the Kyng ſchuld
 ‘ have ſuch lyvelood as we now ſeke for ſufficient
 ‘ for the maintenance of his eſtate. And yf yt
 ‘ would not then be ſo grete, I hold yt for un-
 ‘ doubtyd, that the people of this lond wol be
 ‘ wylling to graunte hym a ſubſidye upon ſuch
 ‘ commodities of his realm, as be before ſpecifyd,
 ‘ as ſchal accompliſh that which ſchel lack him of
 ‘ ſuch lyvelood. So that his highneſſe wol wel
 ‘ eſtabliſh the ſame lyvelood then remaynyng to
 ‘ abide perpetually to his crown, without tranſ-
 ‘ latyng therof to any other uſe. For, when that
 ‘ ſchal happyn hereafter to be given hytte ſchal
 ‘ nede that his Commons be chargyd with a newe
 ‘ ſubſidye, and be alwaye kepte in povertie.
 ‘ Hereafter ys ſchewyd why yt needeth that there
 ‘ be a Reſumption.

‘ We found by grete cauſys yt was nedefull,
 ‘ that all ſuch gyſtes as have ben made of the
 ‘ Kynges

‘ Kynges lyvelood inconfyderately as not deservyd,
‘ or above the merites of them that hath getyn
‘ them were reformyd, so that they which have
‘ done service be not over rewardyd, which thyng
‘ as me thynketh may not perfitly be done without
‘ a general Resumption made by act of parlement.
‘ And that ther be gyven the Kynge by the auctorite
‘ of the sam parlement, a grete subsidye, with
‘ which his highness with the advice of his coun-
‘ ceil, may reward those that have deservyd re-
‘ wards, and ought not therefore to have parte of
‘ his revenues, by which his estate must nedes be
‘ mainteyned, or ought not to have so much of
‘ the revenues as they have now, or not so grete
‘ estate in the same. Consyderyng that all such
‘ geving away of the Kynges lyvelood, is harmfull
‘ to all his liege men, which schal therbye, as is
‘ before schewyd, be artyd to a new charge for the
‘ sustentation of his estate. But yet, or any such
‘ Resumption be made yt schal be good, that an
‘ honourable and notable councail be establyshyd,
‘ by the advyse of which, all new gyftes and
‘ rewards may be moderyd and made, as yf no
‘ such gyftes or rewards had ben made before this
‘ time. Provyded alwey, that no man be harmyd
‘ by reason of such Resumption in the arrearages
‘ of such lyvelood as he schal then have, which
‘ schold ron after the Resumption, and before the
‘ seid new gyftes and rewards. And when such a
‘ councail is fully create and establyshed, hit schal
‘ be good that all supplications which schal be
‘ made to the Kynge for any gyfte or reward be
‘ sent to the same councail and ther debatyd and
‘ delibered. First, whither the suppliant have
‘ deservyd such reward as he askyth, and yf he
‘ have deservyd yt, yet it nedeth, that yt be deli-
‘ bered whether the Kynge may gyve such rewards
‘ as

‘ as he asketh of his revenues, saving to himself
 ‘ sufficient for the sustenance of his estate, or else
 ‘ such giving war no vertue, but rather a spice of
 ‘ prodigality, and as for so much it war delapida-
 ‘ tion of his crown. Wherfor no private persone
 ‘ wol by reason of liberalite, or of reward, so
 ‘ abate his own lyvelood, as he may not kepe such
 ‘ estate as he did before. And truly it war better
 ‘ that a private person lackyd his reward, which he
 ‘ hath wel deservyd, than that by his reward the
 ‘ good publicke and also the lond were hurt;
 ‘ wherfor to eschewe these two harmes, hyt may
 ‘ than be advysyd by the councail how such a per-
 ‘ sone may be rewardyd with office, money, mar-
 ‘ riage, fraunchise, privilege, or such other thyng,
 ‘ of which the crown hath grete rycheffe; and
 ‘ veryly if this order be kepte, the Kynge schal
 ‘ not be grevyd by importunyte of sewters, nor
 ‘ they schal by importunyte or brocage optain any
 ‘ unreasonable desires. O what myghty quiet schal
 ‘ growe to the Kynge by this order, and in what
 ‘ rest schal al hys people lyve, havynge no colour
 ‘ of grutchyng with such as schal be about hys
 ‘ person; as they were wont to have for the gyving
 ‘ away of his londs, and for miscounceiling hym
 ‘ in many other causis, nor of murmour ageyn the
 ‘ Kyngs person soo the misgoverning of his realm.’

The first regular Resumption having been made
 in the reign of Henry the 6th, it seems by this
 paper, which contains the scheme of a Resumption,
 that the act for resumynge grants, &c. passed 28
 Hen. 6. was modelled by this able lawyer, who
 was made lord chief justice of the Common-pleas
 20 Hen. 6. and who we find to have been chief
 justice of the King's-Bench, the * 28th year of the
 same reign.

* Rot. Parl. 28 Hen. 6.

At the end of the manuscript, out of which this was transcribed, is this note :

“ Explicit liber compilatus & factus per Johannem Fortescue militem quondam capitalem justitiarium Angliæ, & hic scriptus manu propria mei Andrini Fortescue militis, 1532.”

Our ancestors did not only take care to help the Prince's affairs by acts of resumption, but they likewise relieved him when he had been overreached or deceived in releases, or what we now call Privy-seals ; having an eye that such as were debtors or accomptants to the King should not be discharged without making a fair and just account ; whereof we shall produce a precedent, with which we shall close this section.

* “ Rex thesaurario & baronibus suis de scaccario salutem. Cum prælati comites & barones ad ordinandum de statu hospitii & regni nostri nuper virtute commissionis nostræ inde factæ elerti inter cæteras ordinationes per ipsos factas, & per nos approbatas ordinaverint quod omnes donationes per nos factæ ad damnum nostrum & detrimentum coronæ nostræ de terris tenementis redditibus custodiis & maritagiiis, ac etiam pardonationes & remissiones debitorum post 16 diem Martii an. regni nostri tertio quibuscunque personis revocentur, & quod terræ tenementa redditus custodiæ & maritagia prædicta in manum nostrum resumantur, & quod debita illa non obstantibus pardonationibus & remissionibus prædictis levantur ad opus nostrum. Vobis mandamus quod scrutatis rotulis & memorandis dicti scaccarii de hujusmodi donationibus concessionibus & pardonationibus post prædictum 16 diem Martii in dicto scaccario factis & inspecta quadam

* Rot. Claus. 8 Edw. 2. M. 11.

“ schedula

“ schedula quam vobis super hoc mittimus sub
“ pede sigilli nostri omnia debita in prædictis
“ rotulis memorandis & schedula contenta, & per
“ vos post prædictum 16 diem Martii pardonata
“ & remissa levare faciatis ad opus nostrum non
“ obstantibus pardonationibus & remissionibus
“ prædictis aut allocationibus ad dictum scaccarium
“ inde factis, & de exitibus de terris & tenementis
“ custodiis, & maritagiiis prædictis provenientibus
“ nobis ad dictum scaccarium faciatis responderi
“ Teste Rege apud Westm. 15 die Martii.”

SECTION IV.

That several ministers of state have been impeached in parliament for presuming to procure to themselves grants of the crown-revenue.

IN the foregoing section we have taken notice how careful the Commons of England have all along been, to assist by acts of resumption, such of their Kings as had been injured by immoderate bounty. We shall now go on to show how parliaments have proceeded with the instruments of their profusion, and in what manner they have handled such ministers of state as have either winked at, or promoted the depredations that were made upon their master's revenue; and especially with those who in breach of their trust have ventured to enrich themselves with spoils so little warranted by the constitution of this kingdom.

The records we have already cited sufficiently demonstrate that it was ever the opinion and sense of the people that the King should live upon his own, and that the nation should not be burthened with unnecessary taxes and impositions.

It appears likewise from the foresaid records, that when the crown has been impoverished by gifts and grants, new and extraordinary courses of raising money have become unavoidable.

It cannot be denied but that our Kings have very anciently prescribed a power of alienating the publick revenues; but it may admit of a question, whether this was not more *de facto* than *de jure*, and it is not quite so clear that from the beginning
it

it was so; on the contrary, it rather seems one of those incroachments which flattery and compliance have supported.

For it would not be difficult to make appear, that in all these Gothic governments founded upon the principles of liberty, the public revenues were esteemed to belong as well to the kingdom as to the King. * Bodinus says it was held as a maxim in France, that the property of the crown-lands was not in the Prince; that it was esteemed as a fundamental in France, Spain, Poland and Hungary, that the crown-lands were not alienable: which opinion has been confirmed by decrees of the parliament of Paris. King Charles the 5th and 7th would not have the crown-lands engaged but by consent of parliament. † Mezeray says, “ Le
 “ domaine des Roys, & celuy de l’eglise, estoient
 “ inalienables.” And that though their Kings were now and then constrained to make grants,
 “ C’estoit a vie seulement, & a titre de gratifica-
 “ tion, c’est pourquoy ils les nommoient dies Bene-
 “ fices, mot qui n’est demeure que dans l’eglise.” ‡ Bodinus says, all monarchies and states have held it for a general and undoubted law, That the crown-lands should be holy, sacred and inalienable; and that the maxim is grounded upon this wholesome policy, that the wants of the Prince might not compel him either to overcharge his whole people with impositions, or to seek for wealth by confiscating the estates of private men. || Lewis XII. (who was termed the father of his country) would not mix his revenues and patrimony with what belonged to the public, erecting separate offices to

* De Repub. l. 6.

† Vide de Charlemagne.

‡ Lib. 6.

|| Ibid.

that

that purpose. Sir * Robert Cotton, an author of great weight in all these matters, says (as we have noted before) that in England our ancestors held it impious to alienate the ancient demesne-lands of the crown.

We have taken notice, in the second section, of the difference the Roman emperors made between the Fiscus, and the Ærarium, the first of which was the private patrimony, and in the other the people had a right.

Of this very thing there are footsteps in England. That is, there was anciently a difference made between the Scaccarium and the Hannaperium, and † Spelman seems to liken the Scaccarium or treasury to the Ærarium, and the Hannaperium or Hamper to the Fiscus Principis. ‡ “Hannaperium] “fiscus vel sporta grandior in cancellaria regis, cui “inferuntur pecuniæ e figillatione diplomatum, “brevium, chartarum regiarum, &c. provenientes.” For this branch of the revenue, as we are informed, the chancellor in old times did not account in the exchequer; it being looked upon as the Prince’s private patrimony, or for his privy purse, and so to be disposed of without any account. It was formerly a clause in most grants,—“Sine aliquo “fine vel feodo magno vel parvo nobis solvendo “in hannaperio.” Which fine went to the King’s private purse. Heretofore when much land was in the crown, the Hamper yielded so considerable a sum, as that it was thought fit to be included in all the acts of resumption; for large pensions being begged out of it, the parliament judged it their duty to take care as well of what was reckoned the

* Cot. Post. p. 179.

† Spelm. Gloss. p. 278.

‡ P. 331.

Prince's peculium, or private patrimony, as of what belonged jointly to him and the publick, which was done in other instances, as where they resumed ann. 3 and 4, 7 and 13 Edw. 4. his family inheritance of the dutchy of York and earldom of March.

But this difference, with many other good forms of our old government, is laid aside. * “Nulla
“pené jam nobiscum habita pecuniæ publicæ &
“privatæ distinctione, cùm sit utrâque; in solius
“principis arbitrio.” And from the time of William Rufus, our Kings have thought they might alienate and dispose of the crown-lands at will and pleasure; and in all ages not only charters of liberties and franchises have been given, but likewise letters patents for lands and manors have actually passed in every reign.

Nor would it have been convenient that the Prince's hands should have been absolutely bound up by any law, or that what had once got into the crown, should have been for ever separated from private possession: for then, by forfeitures and attainitures, he must have become Lord of the whole soil in a long course of time; the constitution therefore seems to have left him free in this matter, but upon this tacit trust, (as he has all his other power) that he shall do nothing which may tend to the destruction of his subjects.

However, though he be thus trusted, it is only as head of the commonwealth; and the people of England have in no age been wanting to put in their claim to that in which they conceived themselves to have a remaining interest, which claims are the acts of resumption that from time to time have been made in parliament, when such gifts

* Spelm. Gloss. p. 278.

and grants were made, as became burthensome and hurtful to the publick.

Nor can any government or state divest itself of the means of its preservation: and if our Kings should have had an unlimited power of giving away their whole revenue, and if no authority could have revoked such gifts, every profuse Prince, of which we have had many in this kingdom, would have ruined his successor, and the people must have been destroyed with new and repeated taxes, for by our duty we are likewise to support the next prince: so that if no authority could look into this, a nation must be utterly undone without any way of redressing itself; which is against the nature and essence of any free establishment.

Our constitution therefore seems to have been, that the King always might make grants, and that those grants, if passed according to the forms prescribed by the law, were valid and pleadable against not only him, but his successors. However, at the same time it is likewise manifest that the legislative power has had an uncontested right to look into those grants, and to make them void whenever they were thought exorbitant. And therein wise kings have given way, and not thought it dishonourable to join with their people in that which was judged to be for the ease and benefit of the major part.

But because in acts of resumption the legislature exerts itself in an extraordinary manner, and because it is a cordial of a very strong operation, and for that such acts must of necessity break into private contracts, marriage-settlements, sales upon a valuable consideration, and in many other instances, the law has fenced the King's revenue with restrictions and wholesome constitutions, it

has prescribed forms by which grants and gifts should pass, it has erected several checks, and trusted those checks in the hands of high officers of the crown; and lastly, the laws have called to account, and severely punished many men of great birth and figure for breaking down these fences; by all which our ancestors seem to have desired and designed preventing mischiefs in their growth, and that recourse should be had to extraordinary remedies as seldom as possible.

And 1st, That not only his common expences, but that also his liberalities might be supplied without diminution of the capital, innumerable laws did provide that he might be neither deceived in his receipts nor in his payments, besides which the Introitus and Exitus of the exchequer was originally contrived with check upon check, and with all the care and art imaginable.

But all these good methods were very early overthrown by the negligence of some Princes, but more through the corruption of their ministers.

Henry the 4th, who had deposed his predecessor, and who came in upon the foot of reformation, began to make regulations, and restore some order in the revenues of the crown.

In the 1st year of his reign, the Commons complained of outrageous grants, and of great sums of money released to undeserving persons, the King not perceiving the hurt done him at the time of the grant. They pray that such grants, upon good deliberation, may be recalled, and that from thenceforth he would make no grant but with the advice of his council. The King answers, He will be advised by the wise men of his council. And thereupon several good regulations relating to the passing of grants are established: but take the record.

‘ Et

* “ Et aufyn quil ne soit deceux en les grantes
“ ou douns annuelx ou en fee, ou en ascunes
“ offices per luy a faires ou a granters, en temps
“ avenir, il voet, de lassent des seignours esprituelx
“ & temporelx, & des communes, qe tous ceux
“ qi demanderont du roy terres tenementes rentes
“ offices annuitees ou autres profites qeconqs,
“ facent expresse mencion en lour petitions de la
“ value de la chose ensi a demander, & auxi de
“ ceo qe ils ont eue donne le Roy, ou des autres ses
“ progenitours ou predecessours per devant; & en
“ cas qe ils ne facent tiel mencion en lour dites
“ petitions, & ceo duement proeve, soient les
“ lettres patentes du Roy. ent faites nient vaillables
“ ne de nulle force neffect, mes de tout revoques,
“ repelles & adnuelles pur toutz jourz au punisse-
“ ment de ceux qe ensi ount fait tiel deceit, ou
“ Roy come ceux quy ne sont pas dignes denjoier
“ leffect & benefice des lettres patentes a eux
“ grantez en celle partie.”

This act directs, that in the petition to the King for any gift or grant, exprefs mention shall be made of the true value of the thing petitioned for, and that mention be made of what other gift or grant the petitioner has had from the King, or any of his predecessors; and if all this be omitted, the grant to be void.

† In the 4th year of his reign, he declares he will grant no lands but to such who shall deserve them, as shall best seem to him and council; and if any make demand without desert, he shall be punished by the King and his council, and not obtain his suit.

‡ In the 11th of his reign, it was enacted, That all manner of hereditaments which from

* 1 Hen. 4. Rot. Parl. N^o. 98.

† 4 Hen. 4. Rot. Parl. N^o. 31.

‡ 11 Hen. 4. Rot. Parl. N^o. 23.

thenceforward should fall into the crown, should not be alienated, but remain to the King.

Thus did this wise King, by keeping the life-blood of the body-politick within its proper veins, add to it so vigorous a health, that his son was in a condition to attempt and succeed in the conquest of France.

And by his resumptions, and by the good order he had settled in his revenues, he enabled Henry the 5th to go on in those great undertakings, without laying any extraordinary burthens upon the people. * Sir Robert Cotton says, That during Henry the 5th's reign of 9 years, there was no charge laid upon land. Out of the goods of the Commons, he received 6 times the tenth, and fifteenth entirely, and once two thirds only of staple wares; a subsidy once for 4 years, and after for his life: 3 shillings tunnage, and 12 pence poundage, for the like terms as the former subsidies. And thrice he had the tenth of his clergy. All which was but very little, considering the great actions he performed; but he himself was a wise man, and his father had left him an honest and able set of ministers.

But long before either of these reigns, the King's revenue was a particular object of the parliament's care; and they endeavoured to keep his affairs within such a compass, that the people might not be burthened with new taxes; which they tried to bring about by the following methods.

1. By regulating the expences of the King's court. † Anno 3 Edw. 2, an ordinance was made, *Pro hospitio Regis*, in ease of the people. “ A

* Answers to the reasons for foreign wars, p. 47.

† Edw. 2. Ex. Ang. M. S. fol. 29.

“ l’honneur de Roy & a son profit, & au profit de
 “ son peuple, selon droit & resonel serment que le
 “ dist nostre Seigneur le Roy fist a son coronement.”

* Anno 36 Edw. 3. The household was regulated at the petition of the people. † Anno 1 Rich. 2. The household was brought to such a moderation of expence as might be answerable to the revenues of the crown. ‡ Anno 11 Hen. 4. The expences of the King’s household were moderated; the reason the Commons gave for it, was, “ Qe vouz
 “ poiez vivre le vos biens propres en eese de vostre
 “ peuple.”

2. By desiring the King to employ wise and able men in his affairs, as was done || anno 6 Rich. 2. And by desiring the King to make use of such persons as were renowned for virtue, as was done, § anno 5 Hen. 4. And by appointing certain persons by name to be of the privy council, at the King’s own desire, as was done ** 7 and 8 Hen. 4. for which the principal reason given in the record, is, the improvement of the King’s revenue. “ Pre-
 “ mierement pur la conservation des droits de nostre
 “ Seignour le Roy, & de sa carone, & que le re-
 “ venu dycell soient mieulx coillez a son profit &
 “ encreescez a tant come home poet justement le
 “ faire a fyn quil poet le mieulx son honorable
 “ estat sustinir.” And note, that just before the passing this act, there passed an †† act to banish foreigners.

3. By procuring the banishment of great men, and particularly foreigners, by whom the money

* Rot. Parl. 36 Edw. 3.

† Rot. Parl. 1 Rich. 2. N^o 19.

‡ Ex. Ordinat. in Rot. Act. Concil. ann. 11 Hen. 4.
 marked R. R.

|| Rot. Parl. 6 Rich. 2. part 2. N^o. 16.

§ Rot. Parl. 5 Hen. 4. N^o. 19.

** Rot. Parl. 7 & 8 Hen. 4. N^o. 31.

†† Rot. ib. N^o. 29.

of the nation was consumed. Thus the weight of the people prevailed upon * Henry the 2d to banish William de Ipre, earl of Kent, a Netherlander, and all his countrymen, when they were become a burthen to the state. They prevailed likewise upon † Richard the 1st to send away Otho, earl of York, though he was his own nephew, with all his Bavarians. And he took from Otho the earldom of York, because it offended the people that a foreigner should enjoy so high a title; and in exchange he gave him the title of Poictife. ‡ Henry the 3d (as we have noted before) was compelled to banish his half brothers, the earl of Pembroke and the bishop of Winchester, who had more than any others helped to impoverish that profuse Prince. At the same time all the Poictovins were banished. Edward the 2d was necessitated to send away Pierce Gaveston, and others, as appears by his ordinance. || “*Que tout le lignage sire Pieres Gaveston soit entirement ouste de estre entoins le Roy & de son service. Item burgois de Til soit ouste & son fias que est mereschal de l’eschequer; item que Bertram Affabi & son frere & ceux de Gascoigne, & Aimerick de Friscomband soient oustre & ses terres prises en le main le Roy.*” In the 11th of § Richard the 2d, an act of parliament passed to banish the Bohemians, who were hangers on upon the court, and helped to undo that unfortunate King. In the 5th of ** Henry the 4th, all foreigners, except some few about the persons of the

* Hen. 2. ex Gervas Dorobern.

† Rich. 2. ex Rich. canonico in vit. Rich. 1.

‡ Hen. 3. ex lib. St. Alba & Will. Rishang. & lit. Baron Papæ.

|| Ex Ordinat. 3 Edw. 2. in lib. Legum Manusc. fol. 285.

§ Rot. Parl. 11 Rich. 2. part 1. N^o. 28.

** Rot. Parl. 5 Hen. 4. from N^o. 26 to N^o. 31 exclusive.

Queen and Princes, are banished the court; and the reason given for it is, that they were a burthen and charge upon the King. “ Et qe le hostullie
“ de nostre dit Seignour le Roy ne feusse chargez
“ ovesqe tielx estrangers. Mais qe ycell houstiell
“ purroit estre mis en bone & moderate governance
“ dont les coustages purroint estre supportez des
“ revenues del roialme ovesques autres charges ne-
“ cessaires.”

4. By appointing commissioners to inspect the publick accounts, as was done in the case of Furnival and master John Pelham. These two gentlemen, at the parliament held at Coventry, had been made by the House of Commons particular treasurers for certain aids then granted towards carrying on the war. In the 7th and 8th of Henry the 4th, they pray to have leave to quit their employments (a modesty and self-denial not very common in this age) and that their accounts might be passed; upon which the House of Commons directed persons to audit and state the said accounts. The record is very curious, we shall therefore give it in words at length. * “ Item mesme le jour, le dit Mr. John
“ [Tibetot then speaker] monstra de par les ditz
“ Communes coment, au parlement nadgaires
“ tenuz a Coventre, Thomas fire de Furnival &
“ Mr. John Pelham furent assignez tresorers pur
“ les guerres come pierd de record en rolle de par-
“ lement, puis qel temps les ditz tresorers ont de-
“ firez, & molt diligeament pursuis ás diverses foits
“ a nostre Seigneur le Roy, & as toutes les estates
“ de ceste present parlement, de estre deschargez de
“ lour dit office, & auxint ont suppliez as dits
“ Communes, qe leur pleust de faire instance &
“ request pur mesme les tresorers, a mesme nostre

* Rot. Parl. 7 & 8 Hen. 4. No. 44.

“ Seigneur le Roy, & as tous les estates fuisdits,
 “ pur eux finalement & outrement deschargier de
 “ leur dit office. Sur quoy pria le dit Mr. John
 “ Tibetot en nom des dits comunez a mesme nostre
 “ Seigneur le Roy qe les dits tresorers soient outre-
 “ ment & finalement deschargez de leur dit office.
 “ Et qe leurs heirs executours ne terre tenants ne
 “ soient aucunement en temps avenir grievez mo-
 “ lestez enquietez ou empechez a cause du dit office
 “ ou pur le exercice de ycelle, & qe cestes prier &
 “ request soient entrez de record en rolle de parle-
 “ ment.

“ Queux prier & request nostre dit Seigneur le Roy
 “ graceusement ottroia; & purtant qil ad pleu a
 “ nostre dit Seigneur le Roy qe les dits tresorers
 “ soient deschargez de leur dit office, & de assigner
 “ certains auditours, cest assavoir le Seignour de
 “ Roos & le chief baron de le eschequer, & qil est
 “ la volonte du Roy a ceo qe les dits comunez ont
 “ entenduz, qe mesmes les comunez deussent nomer
 “ autres auditours, doier & terminer les accompts
 “ des dits tresorers, du temps passe, mesme yceux
 “ communes ont nomez certains persones comprises
 “ en une cedula delivre per les dits communes en
 “ parlement, tielx come leur semble necessaires en
 “ ceo cas, pur le poure estat de les communes dessus
 “ dits, cestassavoir.

Mr. Hugh Lutherel,
 Mr. Richard Redeman,
 Lawrence Drewe,
 Thomas Shelrey,
 David Holbeche,
 William Staundon,

Cinq Qatre Trois
 ou Deux de Eux,

Furnivale and Sir John Pelham (for so he is called
 afterwards) were, as the * record says, ordeignez

* Rot. ibid. No. 63.

treasurers de les guerres, or what we call paymasters of the army, and pressed the parliament to take their accounts: an example which we hope all their successors in that employment will desire to follow. The powers likewise which the parliament gave to these commissioners are fit to be observed.

“ *Que pleise a vostre tres gracieuse Seignourie, de
“ ordeigner que les dits auditours ensi nomez, soient
“ auditours de record, eians plein poair & autho-
“ ritie du parlement de oir & terminer le dit ac-
“ compte, & de faire allowance as avant dits tre-
“ forers, si bien de les paiments & delivrances par
“ eux faits, per vertue & autorite des vos lettres
“ & mandements deffous vostre seale a eux directs,
“ pur les causes suisdits, & sur les dependants
“ dycelle, come de les paiments & delivrances per
“ mesmes les treasurers, per autorite de leur dit
“ office faits pur semblable causes & les dependants
“ dycelle.”*

That is, power was given not only to inspect, but finally to conclude the said account. To which the King assented. And it seems our ancestors thought such a commission necessary to hinder the publick money from being embezzled.

5. Parliaments have preserved the King's revenue by inquiring into the cause why some branches yielded nothing, as in Edward 3d's reign it was asked, Why Ireland was rather a burthen than a profit to the crown? The Commons desiring, if the fault lay in the ministers, that they may be removed. * “ *Item pleise a nostre Seig-
“ nour le Roy faire enquerer per bons gents la cause
“ purquoi il ne prent profit de ce qil ad in Irland
“ come tous ses ancestres avoint aide de luy & de
“ la comune pur meyntenir sa guerre depuis qil ad*

* Rot. Parl. 21 Edw. 3. No. 41.

“ plus en Irland qe nulle de ses ancestres navoint,
 “ & si defaute soit trove en ses ministres laundreit
 “ qe autrez y soient ordeignez en leur lieu, tieux
 “ qi voudreut respondre au Roy du profit qil
 “ averoit dilloques de reson.” Resp. “ Il plect a
 “ nostre Seignour le Roy qe ensi soit.”

These were some of the methods by which the House of Commons endeavoured to preserve the crown-revenue from the greedy hands of those who were always desiring therewith to enrich themselves. But the King's greatest safety lay in the very constitution of the exchequer, which, if bad ministers had not broken into, our former Princes could not have been robbed so much to the impoverishment of the people.

The constitution of the exchequer, we may rather call it the constitution of the kingdom, has contrived to put a great many letts and obstructions in the way of designing favourites and rapacious followers of the court, and that no grant should pass from the King but upon strict inquiry, and after mature deliberation.

In order to which, the state thought it necessary to be at the expence of several great officers, who should be as so many centinels continually watching that the King may not be surprized nor defrauded.

Regularly, and according to the laws of the land, grants from the crown ought to make the following steps.

The petition is first made to the King, in which (as we have noted before) the petitioner ought to insert the true and express value of the thing demanded.

The King refers this petition to the treasurer of the exchequer, now called Lord High Treasurer of England, whose first step is to have a particular of the thing petitioned for from the
 auditor,

auditor, if it lies before him, or from the King's remembrancer, if it lies before him: This care is taken that the state may not be deceived in the value of the thing.

The petition is first referred to this high officer, because the law presumes, that the whole state and condition of the revenue lies before him, that he knows what debts and engagements the King has upon him, and whether the expences of his wars, and the other necessary charges of his government, are not such, as for the peoples ease, and by the rules of justice, ought for the present to restrain his bounty. If the thing to be granted be of great value, if it cannot be given away without great damage to the crown, if by reason of such gift he is hindered from paying his just debts, or from having wherewithal to defray the charges of the government, or to provide for the kingdom's defence; or if by this and other gifts he must be driven, through the failing of his own revenue, to lay heavy burthens upon the people; it is the duty of the lord treasurer to represent the whole matter honestly and impartially to the King, and to hinder the grant from proceeding any further. And as a tie upon him, he takes the following oath: "Ye
" shall swear, That well, and truly, ye shall serve
" the King our sovereign Lord, and his people, in
" the office of treasurer; and ye shall do right to
" all manner of people, poor and rich, of such
" things as toucheth your office; and that King's
" treasure truly ye shall keep and dispend; and
" truly ye shall counsaile the King, and his counsel
" ye shall layn, and keep; and that ye shall neither
" know nor suffer the King's hurt, nor his dis-
" heriting, nor that the rights of his crown be
" distressed by any means, as far forth as ye may
" let; and if ye may not let it, ye shall make
" knowledge

“ knowledge thereof clearly and exprefsly, to the
“ King, with your true advice, and counfel: and
“ ye fhall do, and purchafe the King’s profit in
“ all that ye may reasonably do, as God you help,
“ and the holy Evangelifts.” It was hardly pof-
fible to devife a more binding oath. And the
words, “ Ye fhall well, and truly, ferve the King
“ our foveraign Lord, and his people, in the office
“ of treafurer,” are an evidence that our forefathers
took themfelves to have fome kind of interest in
what was called the Crown-revenue.

If the grant meets with no objection at the
treafury, the King figns a warrant directed to the
attorney or follicitor-general, who is another great
officer, empowering him to prepare a bill contain-
ing fuch a grant. And if the grant be of money
appropriated by act of parliament, or of lands
annexed to the crown by act of parliament, or if
the grant be any ways illegal or prejudicial to the
crown, it is the attorney or follicitor-general’s duty
to advertife thereof.

After Mr. Attorney has paffed it, it goes to the
fignet, the cuftody whereof is in the fecretary of
ftate, who being a minifter in high office, is pre-
fumed by the laws to be watchful for the King’s
good, and to inquire into all matters relating to the
weal publick. He is prefumed to be apprifed of
the perfon’s merits to whom the grant is to be
made, and likewise to underftand either the af-
fluence or want in the King’s coffers, and the
general condition of his revenue. And having an
allowance for intelligence, he is prefumed to know
the difcourfes and opinions of the people, and
how fuch grants are relifhed: If therefore the
perfon fuing out the grant has no merit at all, or
at leaft no fort of pretention to fo great a reward,
or

or if he knows the publick to be pressed with wants and debts; or if he hears that the people murmur at the taxes which profusion introduces, and clamour to see the nation's money wasted, by his duty, as privy counsellor, and by his oath he is bound faithfully and plainly thereof to inform the King.

From the signet it should go to the privy seal, who is likewise another great officer; who being near the person of the King, is presumed to know the condition of the kingdom; and therefore the law has made him another check. He takes this oath: “Ye shall as far forth as your cunning and
“discretion sufficeth, truly, justly and evenly
“execute and exercise the office of keeper of the
“King's privy seal, to you by his highness committed, not leaving or eschewing so to do for
“affection, love, meed, doubt, or dread of any
“person or persons, &c.” So that if the lord privy seal finds, that through corruption in other offices, or that by power, importunity, or partial favour, a grant, tending greatly to the publick damage, and to the diminution of his Prince's revenue, has passed so far as to his office, he ought to stop it there, and is bound in duty, and by his oath, to lay the whole matter before the King.

From the privy seal it goes to the great seal, in the custody of the lord keeper, or lord chancellor of England, who is accounted the kingdom's, as well as the King's officer, and there the grant is compleated; upon which score, in the eye of the law, this great minister is most looked upon; his oath is the same with that of the lord treasurer. He swears, “Well and truly to serve the King and his
“people in the office of chancellor, truly to
“counsel the King, not to suffer his hurt or disheriting, nor that the rights of the crown be
“distressed

“ distressed by any means, as far forth as he may
 “ let; and if he may not let it, he is to make it
 “ clearly and expressly known to the King, with
 “ true advice and counsel; and, in all that he may,
 “ he is to do and purchase the King’s profit.”

So that more than any other, as the highest officer, and as the last check, the laws presume him to consult for the King’s good. Therefore if the grant be exorbitant, if it be made to an undeserving person, if it notoriously surpasses the merits of the suitor, if it was obtained upon wrong suggestions, if it occasions obloquy to the government, or discontent among the people; if the King’s debts are many and clamorous, if the nation labours, at the same time as the gift is made, under heavy taxes; and if the grant tends greatly to the hurt and impoverishment of the crown (with all which matters the law presumes so great a minister in the state to be acquainted) he is bound in duty and by his oath not to fix the great seal to the said grant, but thereupon faithfully and impartially to advise the King: and chancellors who have acted otherways, and who, contrary to the trust of their office, have ventured to pass outrageous gifts, Douns outrageuses, as the records call them, whereby the crown has been impoverished, have been heretofore, as we shall show by and by, questioned, impeached, and attainted in parliament.

These were the ancient steps in passing grants from the crown, which were afterwards enforced by a positive * law in the reign of Henry the 8th, a Prince jealous enough of the regal authority. It is true, by the suggestion in the preamble, it looks as if the act were made to preserve the fees belonging to the clerks of the signet, but bringing

* Anno 27 Hen. 8. cap. 11.

in fees to officers, being never the object of a parliament's care; we ought to conclude, that the House of Commons gave that fair colour (in the reign of a suspicious and arbitrary Prince) to the regulations they intended to make as to passing grants from the crown. First, the law directs,
“ That the King's grants shall be brought to the
“ principal secretary, or to one of the King's
“ clerks of his grace's signet for the time being,
“ to be at the said office of the signet passed ac-
“ cordingly. And be it also ordained and enacted,
“ That one of the clerks of the said signet, to
“ whom any of the said writings, signed with the
“ King's most gracious hand, or the hand of any
“ other aforesaid, or any of them, fortune to be
“ delivered, may and shall by warrant of the same
“ bills, and every of them, within the space of
“ 8 days next after he shall have received the
“ same, unless he have knowledge by the said se-
“ cretary, or otherwise, of the King's pleasure to
“ the contrary, make, or cause to be made in the
“ King's name, letters of warrant, subscribed
“ with the hand of the same clerk, and sealed
“ with the King's signet, to the lord keeper of
“ the King's privy seal, for further process to be
“ had in that behalf: and that one of the King's
“ clerks of the said privy seal, upon due examina-
“ tion had by the said lord keeper of the said privy
“ seal, of the said warrant to him addressed from
“ the office of the said signet, as afore, may and
“ shall, within the space of 8 days next after he
“ shall have received the same, unless the lord
“ keeper of the privy seal do give them command-
“ ment to the contrary, make, or cause to be
“ made, by warrant of the foresaid warrant to the
“ said lord keeper of the privy seal, address from
“ the office of the signet aforesaid, other letters of

“ like warranty, subscribed with the name of the
 “ same clerk of the privy seal, to the lord chan-
 “ cellor of England, lord keeper of the great seal,
 “ chancellor of the dutchy of Lancaster, chan-
 “ cellor of the King’s land of Ireland, treasurer
 “ and chamberlains of the exchequer, and cham-
 “ berlains of any of his counties palatines, or
 “ principality of Wales, or other officer, and to
 “ every of them, for the writing and enfealing with
 “ such seals as remain in their custody of letters
 “ patent or closed, or other process making, due
 “ and requisite to be had or made upon any the
 “ said grants, according to the tenor of the war-
 “ rant to them or any of them directed from the
 “ officer of the privy seal, as is afore specified.”

These cautions show how carefully our constitution has provided, that nothing shall be done which may turn in despendium Regis aut regni.

But here some flattering lawyers will affirm, that these methods are directive, not coercive: or, as Hobart says, * “ That these kind of statutes were
 “ made to put things in ordinary form, and to ease
 “ the Sovereign of labour, but not to deprive him
 “ of power;” according to this maxim of the same judge, That † “ dare prerogativam est nobile
 “ officium judicis & debitum.” And truly, heretofore Westminster-hall did so order it, that these fences, intended to keep the publick revenues from the hands of spoilers, were all broken down, and that all these statutes were evaded.

For the force of all these wholesome laws was enervated by clauses afterwards inserted into the letters patents, viz. “ Ex certa scientia, mero motu,
 “ & gratia speciali.” Ex certa Scientia was very

* Hobart’s Reports, Colt and Glover, p. 146.

† Lord Sheffield ver. Ratcliffe, p. 335.

anciently made use of, but the words became more necessary afterwards to defeat the 1st of Henry 4th, where it is enacted, * “ That the true and express value of the thing to be granted, shall be inserted in the letters patents, otherwise the grant to be void.” So that these words suppose the King to have certain knowledge in every circumstance of the thing he is to give away, which happens very rarely to be the case. But notwithstanding these words, if certain proof can be made that the King was misinformed by false suggestion, no lawyer will say the grant is good. *Ex mero motu*, imports the honour and bounty of the King, who rewards the patentee for merit, without his suit. These words suppose the King to be truly apprised of the person’s merit, and were brought in to obviate the 4th of Henry IV. whereby it was enacted, † “ That no lands should be given, but to such as deserved them; and if any made demands without desert, that he should be punished.” And to the same purpose were added the words, *Ex Gratia speciali*; yet more to denote that the gift proceeded merely from the King’s favour, and not at the party’s sollicitation.

But besides all this, because anciently it seemed a fundamental, that the crown-lands were not alienable, and because all along parliaments had complained of these alienations, as looking upon them to be illegal; the lawyers of old times endeavoured to secure and cover all by a clause of *Non obstante* to be inserted in the patents.

These clauses of *Non obstante* were not known in our original constitution. Mathew Paris says, they grew rife in the reign of Henry the 3d,

* Rot. Parl. 1 Hen. 4. No. 98.

† Rot. Parl. 4 Hen. 4.

ann. 1250. * “ Sparsumq; jam tales literæ, in
 “ quibus inserta est hæc detestabilis adjectio: non
 “ obstante priore mandato, vel hæc, non obstante
 “ antiqua libertate fuscitabantur.” Then he goes
 on, “ Quod cum comperisset, quidam vir discretus
 “ tunc justiciarius, scilicet Rogerus de Thurkeby,
 “ ab alto ducens suspiria, de prædictæ adjectionis
 “ appositione, dixit heu, heu, hos ut quid dies
 “ expectavimus? Ecce jam civilis curia exemplo
 “ ecclesiasticæ coinquinatur, & a sulphureo fonte
 “ intoxicatur.”

But this clause grew more necessary after the
 11th of Henry the 4th, when it was plainly and
 directly enacted, † “ That all manner of heredita-
 “ ments which from thenceforward should fall into
 “ the crown, should not be alienated, but remain
 “ to the King.” And this last law being positive,
 unrepealed (as we know of) and still in force as
 much as Magna Charta, and the doctrine of Non
 obstante seeming to be condemned by “ The Act
 “ declaring the rights and liberties of the subject,”
 in these words, “ That the pretended power of
 “ suspending of laws, or the execution of laws
 “ by regal authority, without consent of parlia-
 “ ment, is illegal. That the pretended power of
 “ dispensing with laws, or the execution of laws
 “ by regal authority, as it hath been assumed and
 “ exercised of late, is illegal:” There will arise a
 question, how far the grants made, since the passing
 this act, 1 Gul. & Mar. are valid by the laws, as
 they stand at present,

For we may argue thus: It was enacted, 11
 Hen. 4th, That the crown-lands should not be
 granted away. However, the practice was other-

* Mat. Paris, p. 810.

† Rot. Parl. 11 Hen. 4. No. 23.

wife, and the grants were supported by clauses of Non obstante : but these Non obstantes, or the dispensing with laws in force, being declared illegal, it should follow, that the grants of crown-land made for these last 10 years, are void in law, and revokable at the King's will and pleasure. But it is left to the gentlemen of the long robe to determine in this point.

However, though this doctrine of Non obstantes (invented perhaps first to enlarge the prerogative for the people's benefit, and made use of afterwards to extend it to the King and people's damage) may have heretofore received countenance in Westminster-hall, there is another place where in no age it has met with favour.

And the reasons why so many resumptions have been made, might be, 1st, That it gave offence to the legislative authority to see the ministers make use of this dispensing power. 2dly, That it appeared the suggestions were wrong upon which the grants were grounded: that is, that the Sovereign did not proceed *ex certa Scientia*, namely, that he was surpris'd and misinformed in the value of the thing given. That he did not proceed *Ex mero Motu*, but that the gift was wrested from him by his importunate and undeserving courtiers. That he did not proceed *Ex speciali Gratia*, but was rather induced to bestow the favour, through the necessity of his affairs, to quiet some great man, or to please some powerful party. And in all probability, upon such, or the like accounts, parliaments have looked into grants, and the best Princes have not thought it dishonourable to join in revoking what had been thus extorted from them.

And as to the distinction which the lawyers make between Directive and Coercive: admit the forms by which the law has directed all grants shall pass,

should be only directive to the Sovereign, and devised for his greater ease and safety, yet without doubt they are coercive to his ministers. No law-givers ever intended, that a solemn law, made upon mature deliberation, and prescribing a rule in high affairs of state, should have no effect at all. But the 27th Hen. 8th, which chalks out to the secretary, lord privy seal, and lord chancellor, the regular steps they are to make in passing grants, would be of no sort of signification, if they may pass per Saltum, and by immediate warrant, without being entered in the several offices.

When parliaments advise the Prince, it is humbly submitted to his wisdom, whether or no he thinks fit to approve of their councils: but when by a written law they give advice, and lay down rules and directions in matters of state for the ministers to walk by and observe, without doubt they intend, advice so solemnly given, should be followed.

Hitherto we have mentioned the cautions, provisions, restrictions and forms, which our ancestors established, and made use of, to preserve the King's revenue, by which the publick was to be supported. But notwithstanding all this, the wickedness of men was either too cunning, or too powerful for the wisdom of the laws in being.

And from time to time great men, ministers, minions, and favourites, have broken down the fences contrived and settled in our constitution; they have made a prey of the commonwealth, plumed the Prince, and converted to their own use what was intended for the service and preservation of the state.

We shall therefore proceed to show, that, to obviate this mischief, the legislative authority has all along interposed with inquiries, accusations and impeachments, till at last such dangerous heads were reached.

For as courts have been watchful to rob the Prince, so anciently the barons, and afterwards parliaments, from time to time, have been as vigilant to prevent his ruin; showing, in the progress of their councils, great wisdom mixed with duty, and temper joined with courage.

The first great person whom we find questioned since the Norman government, was Ranulphus, bishop of Durham, who bore the office of what we now call * lord treasurer of England, in the time of William Rufus. This man had been the principal instrument of the profusion, and of what is its consequence, those extortions that disgraced the reign of Rufus; of whose times William of Malmesbury speaking, says, None were then rich but such as dealt with the exchequer, † “Nullus dives, nisi nummularius.” This wicked minister was brought to punishment by Henry the 1st, who cast him into prison, and loaded him with chains. Matthew Paris says, ‡ “De communi consilio gentis Anglorum posuit eum Rex in vinculis.” Malmesbury gives him this character: || “Ranulphus clericus ex infimo genere hominum, lingua & assiduitate provectus ad summum; expilator divitum, exterminator pauperum, confiscator alienarum hereditatum. Inviectus caussidicus, & cum verbis, tum rebus immodicus, nec aliorum curaret odium dummodo complaceret Dominum.” It seems he was a little insolent fellow, who by his fluent tongue, and cringing at court, had got power enough to do much hurt in Eng-

* Dugdale Series Chronica, p. i.

† William Malmesb. p. 123.

‡ Mat. Paris, p. 56.

|| William Malmesb. p. 123.

land: a mischievous tool against the publick, as well as an oppressor of private men; subtle to invent wickedness, and bold to put it in execution, and one who would stick at nothing to raise himself. Matthew Paris, speaking of him, says, he was * “Homo perversus, & ad omne scelus paratus, quem Rex constituerat procuratorem suum in regno ut evelleret, destrueret, raperet & disperderet, & omnia omnium bona ad fisci commodum comportaret.” We have thus painted out this statesman in the colours as he is represented by those two venerable writers. And he so much resembles several bad ministers, who, in the ages since, have succeeded both to his post and power, that one would think they had chosen to take him for their pattern.

In the 5th of Edward the 2d, Pieres de Gaveston was accused in parliament for having given the King ill counsel, and for having cheated the King of his treasure, and sent it beyond sea; and for having estranged the King's heart from his people, so as he slighted their councils; and for having removed all faithful ministers, and placed only his own creatures, or foreigners, about the King; and for having caused the King to grant lands, tenements, and offices, to himself and his heirs, and to divers other people, (inasmuch, that by his wealth he was become dangerous) to the great damage and injury of the King, and his crown. For which he was banished the realm, so as if he returned, he should be treated as an enemy to the King, kingdom, and people. But take the words of the record, because it is very curious.

† “Purceo qe conue chose est, & per le examenement de prelatz countes & barouns, chivalers

* Mat. Paris, p. 56.

† Rot. Ord. 5 Edw. 2. No. 20.

“ & autres bones gentz du roialme trovez, que
“ Pierces de Gaveston, ad malmeuez & mal con-
“ seillez nostre Seignour le Roy, & lad enticee a
“ malfaire en divers manieres & deceivances en
“ accoillant a lui toute le tresor le Roi, & lad
“ esloigne hors du roialme, en attreant a lui royal
“ poer, & royal dignite, come en aliaunce faire de
“ gentz, par fermentz, de vivre & morir ovesque
“ lui encountre tous gentz, & ceo par le tresorer
“ que il purchace de jour en jour, enseignurant sur-
“ lestete le Roy & de la corone, en destruction du
“ Roi, & du peuple, & especialment enloignant
“ le cuer le Seignour de ces liges gentz eu def-
“ pisant leurs counseils, nient foeffrant bons mini-
“ sters faire ley de terre, en ostant les bons mini-
“ sters, mettant ceux de sa covine ausi biens aliens,
“ come autres qi a se volunt & a son command-
“ ment, offendent droit et ley de terre, en parnant
“ terres, tenements et baillies du Roy, a lui et a
“ ses heires. Et ad fait, que le Roy ad donne terres
“ et tenements de sa corone as divers gentz, a
“ grand damage et decrese de l'estate le Roy et de
“ sa corone. Et ceo ausi bien puis l ordeinement,
“ que le Roy granta as ordeinours de faire au profit
“ de li et de son people, come devant, encountre
“ l ordeinement des ordeinours. Et maintient rob-
“ beours homicides et les fait avoir le charte le Roi
“ de peez, en donant hardement a mesfeseirs de pis
“ faire, et menant le Roi en terre de guerre fauz
“ commun assent de son barnage, en peril de son
“ corps, et en destruction du roialme. Et en fe-
“ sant sealer blanches chartres defoutz le grand
“ seal le Roi, en deceit et desheritance du Roy et
“ de sa corone, et encontre son homage, et felo-
“ nesement fauxment et treterousment ad fait les
“ choses susdites a grand dishonour et damage du
“ Roi, et desheritison de la corone, et a destruction
“ du

“ du people in moultz maners. Et ovesque ceo
 “ nous eantz regard a lez faits le trefnable Roi
 “ pere le Roi qore est, par qui agard, lavant dit
 “ pieres forsjura le roialme d Engleterre, et voleit
 “ qu nostre Seignour le Roi son fitz forjurast a
 “ touz jours la campagne de lui, et qui puis, par
 “ comun assent de tout le roialme, et du Roi, et
 “ de lui mesmes, les prelatz counts et barouns
 “ autrefoitz estoit agardez de meisme le roialme
 “ voider et voida, et que son retorer nestoit
 “ unques par comun assent, mes solement par
 “ assent des ascuns persons qui, souz condition, si
 “ bien se portast apres son retourner, a ce se assen-
 “ tirent. Et ore certaine, ment est troves son mal
 “ port, pur que port, et pur les grandes mauvaife-
 “ tes fufdites, et pur plusors autres qe purront
 “ aveiner a nostre Seignour le Roi, et a son peo-
 “ ple, et pur bon accord nurrer entre le Roi, et ses
 “ gentz, et moltes maners, de discordes et perils
 “ eschuire. Nous ordeinours, par vertue de la
 “ commission nostre Seignour le Roi a nous grantee,
 “ qe Pieres de Gaveston, come apiert enemy le
 “ Roy, & de son people, soit de tout exiles, auxi
 “ bien hors de roialme d Engleterre, d Escoce,
 “ d Irland, & de Galles, come de tote la Seig-
 “ nourie nostre Seignour le Roy, auxi bien dela la
 “ mere, come de cea a touz jourz, fans james re-
 “ turner, & qil voide le roialme d Engleterre, et
 “ totes les terres fufdites, et tout outriment la
 “ Seignourie nostre Seignour le Roi, entre ci et la
 “ fest de Toutz Seintz prochein avenir. Et luy
 “ donons port a Dover, en la forme fufdite &
 “ nuelle parte aillours a passer & a voider : et si et
 “ dit pieres demoerge en le roialme d Engleterre
 “ ou nuelle parte aillours en la Seignourie nostre
 “ Seignour le Roi outre la dit jour qe done luy est
 “ de voider et de passer come est fufdite, adunque
 “ soit

“ soit fait de luy come del enemy du Roi et du
 “ roialme et de son people; et qe touz ceux q
 “ deformes voant encontre cest ordeinement en
 “ droit du dit exile ove le peine qe sensuit, soit fait
 “ de eux solonc ceo qe y appent si de ceo soient
 “ atteintz.”

Pieres Gaveston at first was a man only in the King's pleasures; but as weak Princes often remove men from their pleasures into their business, so Gaveston became presently a minister of state: for the records shew that he was guardian and lieutenant of the kingdom in the King's absence, with very immoderate powers, and afterwards he was constituted * lieutenant of Ireland; but the extravagant honours and favours conferred upon him, and the lands he got from the King, drew, as all our historians witness, the indignation of the parliament upon him. † Tho. Walsingham says, that the barons, “*Librato utrobique periculo, inveniunt, quod vivente Petro esse non poterit pax in regno, nec Rex abundare thesauro.*” And so they never rested till he was banished the kingdom.

‡ In the same parliament, Henry de Beaumont was likewise accused, for that, to the damage and dishonour of the King, he had received the kingdom of Man, which the lords whom the King had consented should be of his standing council, thought fit should remain to the crown; and for that he had procured from the King to himself other rents, lands, franchises and offices; and for that he had procured for others the grants of lands, rents, tenements, franchises and offices; and for that he had given evil counsel to the King, contrary to his oath. For all which the judgment upon him was,

* Pat. 1 Edw. 2. m. 3.

† Walsing, p. 99.

‡ 5 Edw. 2. Rot. Parl. N°. 22.

That

That he should be outed the King's council for ever, and not come near the King's person, unless he were summoned to parliament, or called upon to attend the King in his wars; or unless it were by common assent of archbishops, bishops, earls and barons, in full parliament; and that all his other lands should be seized into the King's hands, until the King should be satisfied the full value of what he had received from those lands so granted to him by the King.

It seems likewise, that in this reign the ladies were begging and intriguing at court. For the lady Vesey was * accused for having prevailed upon the King to give Sir Henry Beaumont, her brother, and to others, lands, franchises and offices, to the damage and dishonour of the King; for which she was ordered to repair to her own house, without ever returning to court to make stay there.

It is true (as we have noted before) the King got this whole act repealed at the parliament held at York, 15 Edw. 2. but it was just after he had made a war upon his people, and put to death the † earl of Lancaster, of the blood royal, and eleven or twelve of the other peers of England. And what succeeded to this unfortunate Prince, upon such an extraordinary act of violence, is but too manifest.

The ministers and promoters of all the irregularities committed by that King, were the two Spencers, earls of Winchester and Gloucester, who were put to death in a tumultuous manner. ‡ Knyghton indeed says, the earl of Gloucester was arraigned before Sir William Trussel, justiciary. “ Dominus Hugo Spencer ductus coram domino

* Rct. ibid. N^o. 23.

† Tho. Walsing. p. 116.

‡ Col. 2547.

“ Willielmo

“ Willielmo Trussell justiciario, areniatus est coram
 “ eo ad barrum.”

One of the principal heads of the accusation against Hugh Spencer, was, for that he had advised the King to give and grant unto the false traitor, the earl of Winchester, Andrew Harkely, and to himself, lands appertaining to the crown in disherison thereof.

* “ Hugh apres celle maveiste, vous consellastes
 “ nostre Seignour le Roy, en desheritaunce de sa
 “ coronne, a doner vostre piere que fust faux
 “ traytour, le conte de Wyncestre, & Andrewe de
 “ Harkely traytour notorye & attaynte, le conte
 “ de Cardoyle. Et a vous Hugh la terre de Can-
 “ termaure & altres terres que furent proprement
 “ appurtenancez a la coronne.”

For which, and for other crimes, he was condemned, and executed.

Among the articles exhibited in parliament, anno 4 Edw. 3. against Roger Mortimer, earl of March, two of them are for procuring to himself grants of the crown-revenue. That he caused the King to make him earl of March, and to give him and his heirs many lands, in disherison of the crown. And that the said Roger caused the King to give to him, and his children and confederates, castles, towns, manors and franchises, in England, Ireland, and Wales, in decrease of the revenues of the crown.

† “ Et a mesme le parlement, per son dit royal
 “ poer a luy accroche, fist tante, qe nostre Seig-
 “ nour le Roy luy fist conte de la Marchie, & luy
 “ dona plusours terres, a luy, & a ses heirs, en
 “ desheritance nostre dit Seignour le Roy & de sa
 “ corone.

* Knyghton Col. 2548.

† Judicium Rogeri de Mortimer. Rot. Parl. 4 Edw. 3.

“ Item

“ Item le dit Roger per son royal poer a luy
 “ accroche, fist le Roy doner a luy, & a ses en-
 “ fantz, & a ses alliez chastelx villes manoirs &
 “ franchises en Engleterre, Irland & Gales en de-
 “ crese de sa corone.”

* For this, and for other crimes, of which some were judged to amount to treason, he was condemned to be hanged at Tyburn, and the sheriffs of London were ordered to attend the execution.

In the 10th of Richard the 2d, Michael de le Pool, earl of Suffex, was impeached in parliament upon several articles, the principal of which was, For that being lord chancellor, and sworn to promote the King's profit, he had purchased of the King lands, tenements, and rents of a great value, against his oath; and such grants being more than he deserved, considering the great poverty of the King and kingdom. To which he answered, That he had no lands of the King, but since his being created Earl, and that by way of exchange. To which the Commons replied, by showing the oath he took when he was made lord chancellor, the effect whereof was for doing justice, observing the laws, counselling the King, and not to suffer any damage or disherison of the crown, and that by all means he should promote the King's profit; and hereupon, because he confessed the gift of the lands to him whilst he was chancellor, and that during the same time, the exchange was made of good lands, for a casual custom at the port of Hull, they inferred, that the same was not for the King's profit, according to the tenor of the chancellor's oath; and therefore they pray judgment. The judgment against the said earl was, That, for breach of his oath, all the said manors and heredi-

* Rot. Parl. 4 Edw. 3.

taments which he had of the King's gift, should be seized into the King's hands, together with all the mean profits, saving to the earl his 20 l. per annum creation-money, in the county of Suffolk. But take the words of the record, as far forth as they relate to the present matter.

* “Premierement qe le dit conte estant chancellor, & jure de faire le profit du Roy, purchassa de nostre Seignour le Roy, terres tenements et rents a grand value, come piert per record es rolles de la chancellerie, encontre son ferment, la ou il n avoit tant desservi, considerez la grante necessite du Roy, et du royalme, et outre ce, a cause qe le dit conte fust chancellor au temps du dit purchasse faite les dites terres et tenements, furent extendus a meindre value quil ne veillent, per an per grant some, en deceite du Roy.

† “Qand al premier article de son empechement, cest assavoir depuis qil estoit chancellor, quil deust purchasser certains terres du Roy, &c. Le dit conte respond que depuis quil fust chancellor il ne purchassa unques nulles terres ne tenements du Roy, ne le Roy luy donna, ne al nully des soins, nulles terres ne tenements, tant que aux temps qe le Roy fist prendre l'estat du cinte, mes per voie de verrai exchange, cest assavoir qe come le dit conte avoit CCCC mares annuelx sur la custume de Kyngston sur Hull, per descende de heritage, pur ceux il pleust au Roy d assigner au dit conte terres et tenements a la value, et assignee et ordonna partie devant quil fust chancellor, et partie depuis, et ce au profit du Roy, si bien annuellement come par

* Rot. Parl. 10 Rich. 2. p. 1. N^o. 1.

† Rot. ibid. N^o. 6.

“ cause de une some de mille marcs paices ou Roy
 “ per le dit conte pour celle cause, &c.”

Then he proceeds to give several particulars of the agreement, and to set forth his merits, and that the King made him take the honour of earl upon him without his seeking, and how he was persuaded to be chancellor. But it seems the parliament did not take his answer to be sufficient; for the Commons replied in the words following:

* “ Et les Communes replians al responce du
 “ dit conte dei premier article, Monstrent as Seig-
 “ nours la copie de son serment, fait qant il fust
 “ creez chancellor, en maniere quenfuit. Vous
 “ jurrez que bien et loyallement servirez a nostre
 “ Seignour le Roy, et a son people, en l office de
 “ chancellor, et droit feres as toutes gens pources
 “ et riches, seloncles lois et usages du royalme, et
 “ loyalement conseillerez le Roy, & son conseil
 “ fellerez, & qe vous ne faverez ne sufferez le da-
 “ mage ne desheritifon le Roy, ne qe les droitures
 “ de la corone soient destruits per nulle voie, sy
 “ avaut come vous le poez destourber, & sy vous
 “ ne poez destourber, vous le ferez savoir clere-
 “ ment & expressement au Roy ensamblement
 “ ove vostre loyal avis & conseil, & qe vous ferez
 “ & purchaserez le profit le Roy par tout ou vous
 “ le purrez faire resonablement. Si dieu vous eide
 “ & les seints evangieles. Prient qe ce lu & bien
 “ entendu, & considerez les circonstances de son
 “ dit responce, sy bien, cest assavoir de ce qe nad
 “ pas dedit, qe il ne receut du don le Roy, puis
 “ qil estoit fait conte, estant en l office de chan-
 “ celler, diverses terres & tenements come contenu
 “ est en le empechement, come qil ad conus ou-

* Rot. Parl. 10 Rich. 2. p. 1. No. 8.

“ vertement

“ vertement qil recent du Roy autres terres &
“ tenements qe sont certains & feures, a la value
“ de quatre cents marcs per an. en exchange de
“ quatre cents marcs annuels, ceux il avoit sur la
“ custume de Kyngston sur Hull qe sont casuels,
“ & nemy sy feures, nient enformant le Roy clere-
“ ment de son damage celle partie, & coment qil
“ ad dit, qil receut parties desdites terres et tene-
“ ments issint pris en change devant qil estoit chan-
“ celler, les communes dient qil estoit lors du prive
“ conseil du Roy, & a ce jurez, & puis en la cre-
“ ation del office de chancellor astrict de nouel per-
“ serement, et il en cel office agreant as exchanges
“ par luy devant suppliez, prist et receust du Roy
“ le remenant desdites terres et tenements en plein
“ perfourmissement des exchanges susdits et de-
“ mandent judgement du parlement surtout son
“ responce des susdits.”

So that, for the insufficiency of his answer, the following judgment was given :

* “ Et purce qe le dit conte ne allegea point en
“ son responce qil observe le effecte de son fere-
“ ment, & en ce qil juraist qe il ne faveroit ni ne
“ suffreroit le damage, ne la desheritison du Roy,
“ ne qe les droitures de la corone fussent destruits,
“ par nulle voie, sy avant come il les poiaist de-
“ stourber et si il ne les poet destourber il le feroit
“ savoir clerement & expressement au Roy ensen-
“ blablement, ove son loyal avise & conseil & qil
“ feroit & purchasseroit le profit le Roy per tout
“ ou il le pourroit fair resonablement, et il tant
“ come il estoit ainfy principal officer du Roy,
“ sachant le estat & necessite du Roy & du royalme,
“ prist du Roy tiels terres & tenements come est
“ suppose par le empeachment, a luy en le dit pre-

* Rot. ibid. N^o. 13.

“mier article surmis, & coment qil allegea en son
 “responce qe les dons a luy issint faits furent con-
 “firmez par plein parlement, il ny a nul tiel record
 “en roulle de parlement. Purquoy agardez est,
 “qe tous les manoirs terres & tenements, rents,
 “services, feos, avoefons, reversions & profites;
 “ove lour appurtenances per luy issint receus du
 “Roy, soient reseizez & reprises en les mains du
 “Roy a avoir & tenir a nostre dit Seigneur le Roy,
 “et ses hoirs sy pleinement & enheritablement
 “come il les avoit et tenoit devant le don eint fait
 “al dit conte, et qe toutz les issues et profits ent
 “receus ou leves al oeps du dit conte en le mesme
 “temps soient levez al oeps nostre Seignour le Roy
 “des terres et chastelx du dit conte illoques et
 “aillours. Mes ne est pas le intention du Roy,
 “ne des Seignours, qe celle judgment festende de
 “luy faire predre le nom et le tittle de conte ne les
 “vingt livres annuelx quex le Roy luy grana
 “prendre des issues du conte de Suffolk, pur le
 “nom et tittle avantdits, et outre purceqe le dit
 “conte nodpas dedit qil nestoit du prive conseil du
 “Roy, et a luy jure quand il demanda primes du
 “Roy la dit exchange estre faite, et ad conu qe
 “devant les dites exchanges perfourmes il fut fait
 “chancellor en quel office il fust astrict per son sere-
 “ment faite en la forme avant dite.”

So that it appears plainly from this record, that
 King, Lords and Commons, took it to be a crime
 in the lord chancellor, and against his oath, to take
 lands in gift or in exchange from the King; for
 upon the chancellor's oath the judgment was
 grounded, it being in those days thought and un-
 derstood, that he who was sworn to purchase the
 King's profit, should not enrich himself with the
 revenues of the crown; and, as the record says,
 that he chiefly ought not to do so, who was ‘le
 ‘Principal

‘Principal Officer,’ and who knew the state and necessities both of King and kingdom. And it was a very odd circumstance of those times, that the legislature should be necessitated to relieve the King against frauds committed by the principal judge in equity, and by the keeper of his conscience.

Anno 11 Rich. II. The legislative authority was not satisfied with what had been done the year before against this chancellor, but it was thought fit to proceed farther against him, and other bad ministers, who had attempted to overthrow the constitution of this kingdom.

The duke of Gloucester, uncle to the King, and constable of England; the earl of Darby, the earl of Arundel, the earl of Warwick, and Thomas earl Marshal, accused Michael de la Pool, and others, of high treason; the term then used was, they appealed them of treason.

* “ Thomas duc de Gloucester conestable d’ Engleterre, Henry conte de Derby, Richard conte de Arundel & de Surry, Thomas conte de Warwick, & Thomas conte Marechal, appellons Alefandre ercevesque Deverwik, Robert de Verr duc d Irland, Michael de la Pool conte de Suffolk, Robert Treselien faux justice, & Nicholas Brembre faux chivalier de Londres, de hautes trahisons par eux faits encontre nostre Seignour le Roy & son royaume, come traitours & ennemies du royaume. Queux appel & trahison sont declarez appointez & specefiez pleinement, sy come est contenu en diverses articles desous escripts. Et priont qe les dits appellees soient demandez, et qe droit et justice ent soit fait en cest present parlement.”

* Rot. Parl. 11 Rich. 2. p. 2. m. 7.

Then these lords exhibited against Michael de la Pool, and the rest, 39 articles of high treason. In the 5th, 6th, and 7th articles, they are accused for having procured to themselves, and others, and to their kindred, grants of the crown-lands in England and Ireland, besides gifts of money to the value of above 100,000 marks, by which the kingdom came to be loaded with taxes and impositions.

* “ Item per le dit accrochement les avantdits
 “ Robert de Verr duc d Irland & Michael de la
 “ Pool conte de Suffolk, per assent & conseil du
 “ dit Alefandre ercevesqe Deverwik ont fait qe
 “ nostre Seignour le Roy sans assent du royaume,
 “ ou desert de eux, lour a done per leurs abette-
 “ ments diverses Seignouries, chastelx, villes, &
 “ manoirs si bien annexes a sa corone, come autres,
 “ sy come la terre de Irland, & de Okeham ove les
 “ forests dicelle, & autres terres, qe furent al
 “ Seignour d Audeley, & autres grants terres, au
 “ dit Robert Verr duc d Irland, & as autres di-
 “ versement, peront, ils sont grandement enriches,
 “ & le Roy est devenu povere, & ne ad dont il se
 “ pourra soutenir & porter les charges du royaume
 “ sinon per impositions taxes ou tributs mettre &
 “ prendre sur son people en desheritison de sa corone
 “ & en defeasance de son royaume.

† “ Item par le dit accrochement, les avandits
 “ Alexandre ercevesqe Deverwick, Robert de Verr
 “ duc d Irland, Michael de la Pool cont de Suf-
 “ folk, & per assent & counseil desdits Robert
 “ Tresilian faux justice, Nicholas Brembe chevalier
 “ de Londres, ont fait qe nostre Seignour le Roy a
 “ donne divers manoirs, terres, & tenements, rents,
 “ offices, ballies, as diverses autres persones de

* 5 Art.

† 6 Art.

“ lour

“ leur affinite, & as autres diverses perſones des
“ ceux ils ont pris grands dons pur brocage pur
“ ycelle cauſe & auxi pur cauſe a tenir avec eux
“ en leur faux querelles, et purpoſes en defeaſance
“ du Roy et de ſon royaume, ſy come eſt de Sir
“ Robert Manſeil clerk, Johan Blake, Thomas
“ Uſque et autres diverſement.

“ * Item Robert de Verr duc d'Irland, Michael
“ de la Pool cont de Suffolk, & Aleſandre erce-
“ veſque Deverwick, per aſſent et conſeil de dit
“ Nicholas Brembe, faux chevalier de Londres,
“ acrochans a eux royal poer, ont fait qe noſtre
“ dit Seignour le Roy leur a donne tres grands
“ ſomes dor & d'argent, ſy bien de ſes biens &
“ joiaux propres, come des biens & treſor du roy-
“ alme, ſy come des diſmes & quinsimes et autres
“ taxes grantez as diverses parlements pur eſtre
“ exploites en deffence et ſauvegarde du royaume,
“ et autrement, quelle ſome amonte cent mille
“ marcs et plus, ſy come au dit Robert de Verr
“ duc d'Irland, et autres diverſement, et autre ceo
“ pluſiours bones ordinances et purpoſes faits et
“ ordeinez en parlement ſy bien pur les gurreſ
“ come en defence du royaume ont ilz deſtourbes,
“ en grande arrerement du Roy et du royaume.”

The perſons accuſed were ſummoned to anſwer to the 39 articles; and not appearing, the duke of Glouceſter, and the other lords appellants, pray the non-appearance may be recorded.

† “ Ilz feurent demandez ſolemnellement en le
“ grande ſale de Weſtmiſter et auxint a la grande
“ porte du palois de Weſtmiſter de venir & re-
“ ſpondre, &c.

“ Le duc et cont appellants, prient au dit Roy
“ noſtre Seignour, et aux dits Seignours, du par-
“ lement qils violent recorder le default, &c.”

* 7 Art.

† Rot. Parl. 11 Rich. 2. p. 3. m. 14.

After which the King and the lords took time to deliberate upon the matter. Then the judges, serjeants and civilians were called, for to deliver their opinions in law; who said the appeal was not in the forms required, either by the common or civil law. To which the lords answered, That the high court of parliament was not bound up to the forms and rules of the courts below. But take the words of the record itself.

* “ ——— A quel temps les justices et sergeants,
 “ et autres sages de ley du royaume, et auxint les
 “ sages de la ley civile, furent chargez de par le
 “ Roy nostre dit Seignour, de doner loyal conseil
 “ as Seignours du parlement de deuement proceder
 “ en la cause de le susdit appel, les ceux justices,
 “ sergeants, et sages de la ley du royaume, et
 “ auxint les dits sages de la ley civile, pristont ent
 “ deliberation, et respondront as dits Seignours du
 “ parlement, qils avoient veue et bien entendu la
 “ tenour du dit appel, et disoient qe mesme le
 “ appel ne feust pas fait ne affirme selonc l’ordre
 “ qe lune ley ou lautre requiert; surqoy les dits
 “ Seignours du parlement pristront ent deliberation,
 “ et avisement, et per assent du Roy nostre dit
 “ Seignour, et de lour commun accord, estoit de-
 “ clare qe en si haute crime come est pretendu en
 “ cest appel, qe touche la persone du Roy nostre
 “ dit Seignour, et l’estat de tout son royaume, per-
 “ petre per persones qe sont peers du royaume
 “ ovesqe autres, le cause ne fera aillours deduit qe
 “ en parlement ne per autre ley qe ley et cours du
 “ parlement et qil appertient as Seigneurs du par-
 “ lement et a lour franchise et libertee d’auncien
 “ custume du parlement destres jugges en tieux
 “ case, et de tieux case ajugger per assent du Roy,

* Rot. Parl. 11 Rich. 2. p. 3. m. 14.

“ et

“ et qe ensy sera fait en cest cas per agarde du
“ parlement: purceqe le royaume d Engleterre ne
“ estoit devant ces heures, ne a lentent du Roy
“ nostre dit Seignour, et Seignours du parlement
“ onqe ne sera rule ne, gouverne per la ley civile,
“ et auxint lour entent nest pas de ruler ou gou-
“ verner si haute cause come cest appel est, qe ne
“ sera aillours trie ne termine qen parlement, come
“ dit est per cours processe et ordre usee en ascun
“ court plus bas deinse mesme le royaume, qeux
“ courts et places, ne sont qe executors d anciennes
“ leys et custumes du royaume, et ordinances et
“ establissemments du parlement. Et fust avis au
“ mesmes les Seignours du parlement per assent du
“ Roy nostre dit Seignour, qe cest appel fust fait
“ et affirme bien, et asses duement, et le processe
“ dicelle bone et effectuell, selonc les leys et cours
“ du parlement, et per tiel lagarderont et adjuge-
“ ront. Et a mesme jour le Roy nostre dit Seig-
“ nour et Seignours du parlement, seants en la dite
“ blanche sale en plein parlement les ditz appel-
“ lantz prieront qe le defaute des dits ercevesqe
“ duc cont et Robert Tresilian, appellees comme
“ devant feuse recorde.”

After which the persons accused were again summoned, and appeared not, but alledged, (as we may suppose by their counsel, for here the record is silent) That they had not sufficient notice of the matter contained in the appeal. Upon which the parliament proceeded to judgment.

In which the judgment was, That several of the articles against the said persons contained high treason, of which the parliament pronounced them guilty; and that they were guilty of the crimes laid down in these other articles, which were not judged to amount to treason; among which were the 5th, 6th, and 7th articles. But take the words of the record.

* “ Surquy les dits Seignours temporels, per
 “ commandement du Roy nostre dit Seignour exa-
 “ mineront les articles contenus en ledit appel, &
 “ le couple des dits ercevesqe Deverwick, duc,
 “ cont & Robert Tresilian, appelez come devant,
 “ en celle partie par grand labour & diligence, &
 “ per continuance de diverses jours tanqe le Judy
 “ le 13 jour dudit mois de Fevrier, & par lour
 “ avisement et bone deliberation firent declaration
 “ & adgugeront qe le 1 & 2 le 11. le 15 & le 17
 “ articles contenus en le dit appel sont treson. Et
 “ qe ce qest contenu en le 22 article de mesme le
 “ appel, touchant la levee des gents, pur guerroer
 “ & destruire les Seignours, & lieges du Roy, est
 “ aussy treson & qe les 28, 29, 30, 31, 32, 37,
 “ 38, 39. de mesme le appel, sont aussy treson,
 “ come est remembre en le avant dit roulle, du dit
 “ appel. Et trouveront per deue examination, &
 “ per proves et emformations per tous les voies
 “ qils pourroit, lour consciences deuement en-
 “ former, que le dit ercevesqe, duc, cont, & Ro-
 “ bert Tresilian, appellees comme devant, feurent
 “ coupables notairement en icelles cest assavoir
 “ chacun de eux en chacun article qe luy touche.
 “ Et auxint qis sont coupables en toutes les autres
 “ articles contenus en le dit appel, nient declares
 “ au present pur treson, cest assavoir chacun deux
 “ en chacun article qe luy touche, en presence du
 “ dit Roy nostre Seignour, et Seignours du parle-
 “ ment temporels, feant en la dite blanche sale en
 “ plein parlement mesme de Jeudy le 13 jour du
 “ dit mois de Fevrier, les dits duc & contes appel-
 “ lants prieront as dits Roy nostre Seignour &
 “ Seignours du parlemant illoques estants qe les
 “ dits ercevesqe, duc conte et Robert Tresilian

* Rot. Parl. 11 Rich. 2. p. 3. m. 14.

“ appellees

“ appellees come devant fussent adjuges convicts de
 “ les hautes trahisons contenus en le dit appel.

* “ Parqoy les dits Seignours du parlement
 “ illoques estants come juges du parlement en cest
 “ case, per assent du Roy nostre Seignour, pro-
 “ nonceront lour declaration avant dite & adjuge-
 “ ront lesdits ercevesqe, duc, cont, et Robert
 “ Tresilian, appellees come devant, coupables et
 “ convicts des tresons contenus en les dits articles,
 “ declares pur trefon, come devant, et agarderont
 “ qe mesmes les dits duc, cont, Robert Tresilian,
 “ appellees come devant, fussent treinez et penduz
 “ come traitours et ennemies au Roy nostre dit
 “ Seignour, et a son royaume, et qe les dits erce-
 “ vesqe, duc, cont, Robert Tresilian, appellees
 “ come devant, et leurs heires fussent desheritez a
 “ tous jours, et qe leurs terres et tenements, biens
 “ et chateux, feussent forfaits au Roy nostre dit
 “ Seignour. Et les temporalites du dit ercevesqe
 “ Deverwik, del ercevesche Deverwik faisis es
 “ mains le Roy nostre dit Seignour.”

In the same parliament, Simon de Beurle, lord chamberlain, among other crimes, was impeached by the Commons for having persuaded the King to make large gifts out of the crown-revenue to foreigners, Bohemians, to the impoverishment and oppression of the people.

† “ Item qe la ou le dit Simon de Beurle fust
 “ chamberlein nostre Seignour le Roy, en sa tendre
 “ age, & tenus de luy conseiller pur le mieux, en
 “ profit de luy et de son royaume, le dit Simon per
 “ son malveis inginie, et procurement, conceilla
 “ nostre Seignour le Roy davoir deinz son houstiel
 “ grande plenitee des aliens, beamers, et autres,
 “ et de les donner grands douns des revenus et

* Jugement. Rot. ibid.

† Rot. ibid. Art. 7.

“ commoditees du royaume, peront nostre Seignour
 “ le Roy est grantement empovres et le people du
 “ royaume outrement opreses.”

The parliament thought the duke of Ireland so dangerous a man, that, to be rid of him, they had given the King a grant of 30,000 marcs; but when Suffolk returned after his first disgrace, the duke of Ireland returned with him. About this time, that the ministry might be compleat, and of a piece, there was a lord treasurer of the same stamp with the chancellor, chamberlain, and the duke of Ireland, to wit, John Foord, bishop of Durham, of whom Sir John Heyward gives this character.

* “ He was a man of little depth, either in
 “ learning or wisdom, but one that had the art of
 “ seeming, in making the best shew of whatsoever
 “ he spake or did: and rising from a mean estate
 “ to so high a pitch of honour, he exercised the
 “ more excessively his riot, avarice, and ambition,
 “ not able to moderate the lusts and desires which
 “ former want had kindled.” He at the same time was removed from the council, and turned out of his office of treasurer.

We have dwelt the longer upon Michael de la Pool, because it is the first formal and regular impeachment that we meet with in the records. And perhaps it will not be unnecessary to say something of a man that so much drew upon him the hatred of the people. Hayward says, † “ He was a
 “ merchant’s son in London, and growing mighty
 “ on the sudden, he could not govern himself in
 “ the change: but prosperity laid open the secret
 “ faults of his mind, which were suppressed and

* Life of Hen. 4. p. 20.

† Life of Hen. 4. p. 16.

“ choaked

“choaked before.” Thomas of Walsingham calls him Michael Atte Pole, and says he was convicted in parliament of notorious frauds. * “Convicerant eum nempe de multis fraudibus, et quibusdam proditionibus in Regem, quos nequaquam inficiari nequibat, unde et cum responsis astaret, et objecta negare nequibat, Rex pro ipso verecundatus et rubore suffusus, caput agitans, heu! heu! inquit Michael, vide quid fecisti.” But as soon as the parliament was up, the King took him into greater favour than before. But the weight of a parliament will at last bear down a bad minister; so that de la Pool durst not stand the next sessions, but fled to France, where he died in exile. But take from Walsingham the character of this chancellor, with the account of his death. † “Hac æstata perfidiæ promptuarium; sentina avaritiæ, auriga proditionis, archa malitiæ, odii feminator, mendacii fabricator, fufurro nequissimus, dolo præstantissimus, artificiosus detractor, patriæ delator, Michael Atte Pole, quondam comes Southfolchiæ regnique cancellarius, sed nunquam consiliarius, concessit in fata Parisiis, merito perfidum evomens spiritum in terra peregrina.”

Simon de Beurle, whom the Commons had impeached that parliament, was beheaded at Tower-hill. His being knight of the garter exempted him from a more ignominious sentence that was pronounced against him. This man's sudden rise from 20 marcs to 3,000 marcs per annum, drew the hatred of the people upon him. ‡ “Dominus de Burlee qui de patrimonio hæreditario expendere non valuit ultra XX marcas, sed in paucis

* Walsing. p. 324. N^o. 10.

† Ibid. p. 339.

‡ Knyghton Col. 2727.

“ annis in obsequio prædicti Regis crevit ad ultra
 “ valorem trium mille marcarum annui proventus.”

Some perhaps will object, That in the 21 Rich. 2. most of what had been done 10 and 11 of the same reign was repealed. * It is true the fact is so; for Richard, after he had treacherously got into his hands the duke of Gloucester, his uncle; and after he had imprisoned the earls of Arundel and Warwick, the only three lords in whom the people placed any confidence, the nation was quite dispirited, insomuch that the King was able to pack a parliament; which yet could not be brought to do his business, till it was adjourned from Westminster to Shrewsbury. There he did what he would, by the help of Sir John Busbie, (then speaker of the house of Commons) Sir William Bagot, and Sir John Green, of whom Sir John Hayward says, †
 “ These were then in all the credits and authority
 “ with the King, and his chiefest schoolmasters,
 “ both of cruelty and deceit: they were proud,
 “ arrogant and ambitious, and, upon confidence
 “ of the King’s favour, professed enemies to men
 “ of ancient nobility; to the end, that being lately
 “ start up, they might become more famous by
 “ maintaining contention with great persons. And
 “ first, by their importunate travel, all the charters
 “ of pardon granted by the King, were in this
 “ parliament annulled and revoked.” These pardons were revoked while the parliament sat at Westminster, where Thomas Arundel, archbishop of Canterbury, was banished, and his temporalities seized: all the other irregular matters were transacted at Shrewsbury. But what was the end of all this violence, and breaking in upon the

* Rot. Parl. 21 Rich. 2. N^o. 47, 48.

† Life of Hen. 4. p. 84.

rights of parliament? It is seen in the story, the people thereupon grew so discontented, that Henry duke of Lancaster was encouraged to come and invade the kingdom with some few friends, and of soldiers, only 15 launces in his company, who was chearfully embraced by the whole nation. One of the first things done in the reign of Henry the 4th, was to repeal all that had passed at the parliament held at Shrewsbury, and to affirm all that was done

11 Rich. 2. * “ Qel parlement feust tenuz pur
“ grand honor et comune profit de tout le royaume.”

And here it is to be noted, That in the first article against King Richard the 2d, when he abdicated the throne, it was objected to him, That he did wastefully spend the treasure of the realm, and had given the possessions of the crown to men unworthy, by reason whereof new charges were laid on the necks of the poor commonalty. But take the whole article.

† “ Imprimis abjicitur Regi Richardo, quod
“ propter malum regimen suum videlicet bona et
“ possessiones ad coronam suam spectantia, etiam
“ personis indignis donando, et alias indiscrete
“ dissipando, et ob hoc collectas et alia onera
“ gravia et importabilia populo sine causa impo-
“ nendo, nec non alia mala innumerabilia perpe-
“ trando, alias de assensu, et mandato suis per
“ totum parliamentum ad gubernationem regni
“ certi prælati et alii domini temporales erant
“ electi, et assignati, qui totis viribus suis circa
“ justam gubernationem regni, propriis sumptibus
“ suis, fideliter laborarent, tamen Rex facto per
“ eum conventiculo, cum suis complicibus, dictos
“ dominos tam spirituales quam temporales circa

* Rot. Parl. 1 Hen. 4. N°. 66 & 67.

† Rot. ibid. N°. 18.

“ regni utilitatem occupatos de alta proditione
 “ impetere proponebat justiciarios regni ad suum
 “ nefandum propositum roborandum metu mortis
 “ et cruciatus corporis violenter attraxit, dictos
 “ dominos destruere fatagendo.”

The fate of Michael de la Pool could not work upon his grandson, William de la Pool, so as to make him a better man towards the public. For we find this William, duke of Suffolk, treading in his grandfather's steps, and so acting in his ministry, as to provoke an accusation from the house of Commons.

The grants out of the crown-revenue, which he had procured for himself, and those of his alliance and party, occasioned so much popular anger, that in the 28 year of Henry the 6th, he drew upon himself an impeachment, the first part of which contains matter of high treason; in the second part he is accused of divers great offences, misprisions, untrue labours, and false deceits; but we shall only take notice of those articles which relate to our present subject.

* “ To the Kyng our soverayne lord sheweth,
 “ and with dolorous lamentations compleyneth
 “ youre true feithfull subgettes and Commons be-
 “ yng in this youre present parlement, by youre
 “ commaundement roial, That William de la Pole,
 “ duke of Suffolk, hath doone, and caused to be
 “ doone, ayents youre regalie, honour, estate and
 “ prosperite of youre moost noble persone, and
 “ the wele of your true subgettes of youre reames
 “ of England, and Fraunce, your duchies Guyen,
 “ and Normandy, and other places under your
 “ obeisance, divers grete offences, misprisions,
 “ untrue labours and fals deceytes in manner and
 “ fourme ensueying.

* Rot. Parl. 28 Hen. 6. N^o. 28.

“ First,

* “ First, The seid duke the 16th yere of youre
 “ reigne, then beyng next and pryvvest of youre
 “ counseil, and steward of your household, then
 “ and many yeres seth, for covetise of grete lucre
 “ of good singulerly to hymself, sturred and moeved
 “ youre highness, the seid 16th yere, ye thenne
 “ beyng in prosperite, and having grete possessions,
 “ to yeve and graunte moche partie of youre seid
 “ possessions to divers persones in your seid reame
 “ of Englund, by the which ye be gretely em-
 “ poverished, the expences of youre honourable
 “ household, and the wages and fees of youre
 “ menyal servants not payed, youre warderobe,
 “ the reparations of youre castells and manners,
 “ and youre other ordinary charges were not had
 “ satisfied nor doo, and so by his subtill counseil,
 “ importune and unprofitable labour, to youre
 “ moost high and royal estate, the revenues of the
 “ demesnes and possessions of youre corone, youre
 “ duchie Lancastre, and other youre enheritaunces
 “ have bee so amennsed and amentysed, that youre
 “ Commons of this youre reame have bee soo
 “ ymportably charged that it is nygh to their fynal
 “ distruction.

† “ Item, The seid duke havying alwey inordi-
 “ nate covetise, hath by sotill means and sinistre
 “ suggestions, for his especyal availle, caused you
 “ to graunt many priviledges fraunchises, &c.

‡ “ Item, The seid duke, for the singuler en-
 “ ritchyng of his nece, and her husbond, son to
 “ the capidawe, caused you to make the seid sonne
 “ earl of Kendale, to geve hym grete possessions
 “ and enheritaunces in Englund, and over that to
 “ graunte hym dyvers castells, lordshipps and

* No. 29.

† No. 30.

‡ No. 31.

“ grete

“ grete possessions in youre duchie of Guyen, to
 “ the yerely value of one thousand pound and
 “ more, &c.

* “ Item, The seid duke, within this youre
 “ reame, hath untruly counseilled you to graunte
 “ fro you, withoute due consideration the castell
 “ of Mawlyon de Sool in Guyen, &c.”

The five next following articles relate to his
 transactions in foreign parts, which we omit.

+ “ Item, Whereas well full many quinsimes
 “ dismes subsidies of merchandises and other
 “ charges have ben graunted to you by the Com-
 “ mons of this youre reame assembled in your
 “ parlements, as dismes and other charges spi-
 “ rituel, have ben graunted to you by the clergy
 “ of this youre reame, for the defence and tuytion
 “ of the same, and the sauf kepyng of the sea,
 “ the seid duke of Suffolk hath caused grete partie
 “ of the revenues hereof to ben applyed to other
 “ use and dispenche, to you not profitable; and so
 “ the defence of this youre reame, and the sauf
 “ kepyng of the sea not hadde nor kepte, to our
 “ grete empoverishyng and hurt of this youre
 “ reame.

‡ “ Item, The seid duke of Suffolk hath caused
 “ the French Queen to have of the revenues of
 “ this youre reame, &c.

|| “ Item, That where the lord Suedeley, late
 “ youre treasourer of this youre reame, the tyme
 “ of his departier out of his seid office, of his
 “ grete trouth and prudence for the defence of
 “ youre seid reame, and support of the charges
 “ necessarie of the same, left in your tresourie in
 “ redy money and sure payment the some of
 “ 60,000 l. of quinsimes and dismes, and other

* No. 32.

† No. 38.

‡ No. 39.

|| No. 40.

“ revenues

“ revenues of this youre reame, which money, if
“ it had be well dispended, and to such entent as
“ it was left fore, in youre trefourie, wold gretely
“ have holpen to the defence of the same, the grete
“ parte of which 60,000l. by the labour and
“ means of the seid duke of Suffolk, hath been
“ myscheavously yeven and distribute to hymself,
“ his frendes, and wele-willers: for lakke of which
“ treasoure noo armee nor competent ordeinance
“ myght be sufficiently in due tyme purveyed for
“ thees premisses.

* “ Item, The seid duke of Suffolk, by his full
“ comberous suyte, and fals couloured suggestions,
“ without eney merite or deservyng, hath obtayned
“ of youre gest to hym in estate of enheretaunce
“ the erldome of Pembroke, the reversion of the
“ lordshippe of Haverford West, after the deth of
“ Sir Rowland Lenthale with other grete castells
“ and lordshipps, as well in Englund as in Wales,
“ and dyvers grete wards and marriages of heirs,
“ and their enheritaunces, in special of Margerette
“ doughter and heir of John late duke of Somers-
“ set, by which ye have hadde over great dam-
“ mage, for it wold have sufficed to a grete part
“ of the expense of your household.”

The next article relates to his having embezzled several bonds remaining in the treasury. The next to his having embezzled several writs. The next for his having procured an irregular pardon for William Tailleboys, a debtor to the King. Which articles being long, we omit.

† “ Item, The seid duke conceyvyng himself to
“ be with you privyest, and best trusted, by full
“ many yeres hath presumed upon hymself to
“ name to youre highnesse, and caused to be made

* N^o. 41.

† N^o. 45.

VOL. III.

Q

“ dyvers

“ dyvers persones shirreves of many youre coun-
 “ tees, in this youre reame, some for lucre of
 “ good, and some to be applyable to his entent
 “ and commandement, to fulfyll his desyres and
 “ wrytyngs, for such as hym lyked; to thentent
 “ to enhaunce hymselfe and have over grete and
 “ unfyttyng rule in this youre reame: wherof en-
 “ sued, that they that wold not be of his affinite
 “ in their countreys, were every matter, true or
 “ fals, that he favour’d, was furthered and spedde,
 “ and true matters of such persones as had not his
 “ favour, were hyndered and put abakke, per-
 “ juries therby encreased, many of youre true
 “ lieges by his might and help of his adherents
 “ disherited, empoverished and distrowed, &c.”

The next article relates to one of his foreign transactions.

* “ Of all which offences, misprisions and un-
 “ true labours, and false deceytes, in the seid at-
 “ ticles specified, We youre seid Commons accuse
 “ and empeche the seid duke of Suffolk. And in
 “ the most humble wyse beseeche and pray youre
 “ highnesse, that this been enacted in this youre
 “ high court of parlement. And that it may be
 “ proceeded upon the premises ayenst the seid
 “ duke, during the same parlement, as the matters
 “ and causes foreseid requiren, in conservation of
 “ justice, to the singuler comfort of all youre
 “ leige people, youre rightwisenesse considering
 “ that the seyd misprisions, fawtes and other full
 “ untrue coloured counseils and myscheivous dedes
 “ of the same duke, which to reherce were over-
 “ long, and to diffuse have ben the ground and
 “ cause of the subversion of youre laws and ju-
 “ stice and execution thereof, and to the nygh

“ likely destruction of this youre reame and other
“ places under youre obeyfaunce.”

* The 9th of March, the duke was brought from the Tower, where the accusations and impeachments of the Commons were declared to him, of which he desires a copy.

† The 13th of March, the duke was again brought before the lords spiritual and temporal, where kneeling, he answered all the articles of treason by himself, and utterly denied them.

‡ “ The 14th day of March, the chief justice
“ rehearsed to all the lords by the King’s com-
“ mandement, saying, that it is well in youre re-
“ membrance, in what wyse the duke of Suffolk
“ demeaned hym here yesterday, and upon that
“ axed a question, What advyse the lords wold
“ yeve to the Kyng, what is nowe to do further-
“ more in the matier, which advyse was deferred
“ unto Monday then next comyng, on the which
“ Monday was noothyng doone in that matier.

|| “ Memorandum, That on Tuesday the 17th
“ day of March, the Kyng sent for all his lords,
“ both spirituall and temporell then beyng in
“ towne [then the lords present are recited] into
“ his innest chamber, with a gabill windowe, over
“ a cloyster, within his paleys of Westminster,
“ and whenn they were all assembled, the Kyng
“ sent for the duke of Suffolk, the which duke,
“ whenn he came into the Kynges presence, he
“ kneeled down, and so he kneeled continually
“ stille, unto the tyme the chauncellour of Eng-
“ lond had seid to hym the Kyngs commandement,
“ in fourme that followeth.

“ Sire ye be well remembred, when ye were last
“ in the Kynges presence and his lords, of youre

* No. 48.

† No. 49.

‡ No. 50.

|| No. 51.

“ answers and declarations upon certeyn articles
“ touching accusacions and impechements of grete
“ and horrible thyngs put upon you by the Com-
“ mons of the lond assembled in this present par-
“ lement, in ther first bill presented by theym to
“ the Kyngs highnesse, and how at that time y
“ putte you not uppon youre parage. What wold
“ ye sey nowe further more in that matier?

“ And the seid duke answered and seid, they
“ were too horrible to speke more of theym, and
“ seid openly to the Kyng, and all the lordes, that
“ all the articles comprehended in the seid bille
“ touchyng the Kyngs high persone and thastate of
“ his royalme, he trusteth to God he hath answered
“ hem sufficiently, for he hath denyed the dayes,
“ the yeres, the places, and the communications
“ hadd, which were never thought nor wrought;
“ seying utterly they ben fals, and untrue and in
“ manner impossible, for he seid soo grete thyngs
“ coud not be done nor brought aboute by hym-
“ self alone, onlesse that other persones had doon
“ her partie, and be privy therto, as well as he,
“ and he toke his soule to perpetuel damnation yf
“ ever he knew more of thoo maters than the
“ childe in the moders wombe. And soo he not
“ departyng from his seid answers and declaration,
“ submytted hym hooly to the Kynges rule and
“ governance, to doo with hym as hym list,
“ wheruppon the seid chaunceller by the Kynges
“ commaundement seid unto hym ageyne in this
“ fourme.

“ Sire y conceyve you that ye not departyng
“ from youre answers and declarations in the
“ matters aforeseyd, not puttyng you uppon
“ youre parage, submitte you hooly to the Kynges
“ rule and governaunce.

“ Wherefore

“ Wherefore the Kynge commandeth me to sey
“ you, that as touchyng the grete and horrible
“ thynges in the seid first bille comprised, the
“ Kyng holdeth you nether declared nor charged.

“ And as touchyng the second bille, putte ayenst
“ you touchyng misprysons which be not crymy-
“ nal, the Kynge by force of youre submission,
“ by his owne advyse, and not reporting hym to
“ thadvyse of his lordes, nor by wey of judgment,
“ for he is not in place of judgment, putteth you
“ to his rule and governaunce, that is to say that
“ ye, before the first day of May next comyng,
“ shall absent your self out of his reame of Eng-
“ lond. And also from the seid first day of May
“ unto the end of five years next following, and
“ fully complete, ye shall absteyne to abyde in
“ the reame of Fraunce, or in eny other lord-
“ shippes or places beyng under his obeysaunce
“ whersoever they be. And that ye shull not
“ shewe nor wayte nor no man for you, as far forth
“ as ye may lette it, no malice evil will, harme ne
“ hurte to eny persone of what degree he be of,
“ or to eny of the Commons of this parlement,
“ in noe manner of wyse, for eny thing doon to
“ you in this seid parlement or elles where.

“ And forthwith the viscount Beamount, on the
“ behalf of the seid lordes both spirituels and tem-
“ porelx, and by their advyse assent and desire
“ recited seid and declared to the Kyngs highnesse,
“ that this that was so decreed and doon by his ex-
“ cellence, concerning the persone of the seid duke,
“ proceeded not by theyre advyse and counseil,
“ but was doon by the Kyngs own demeanaunce
“ and rule, wherefore they besought the Kynge
“ that this their seiying myght be enacted in the
“ parlement rolle, for theyr more declaration
“ hereafter with this protestation, that it should

“ not be nor tourn in prejudice nor derogation of
 “ theym, theyr heys ne of theyr successors in
 “ tyme comyng, but they may have and enjoy
 “ theyre lybertee and freedome in case of theyr
 “ parage hereafter, as freely and as largely as ever
 “ they or eny of theyre auncestors or predecesors
 “ had and enjoyed before this tyme.”

Thus William de la Pool, duke of Suffolk, the King's favourite, and the Queen's minion, was impeached by the Commons, and banished by the regal authority. Grafton speaking of him, says,
 * “ He was notorious for enrychyng hymself with
 “ the Kinges goods and lands, gathering together
 “ and making a monopoly of offices, fees, wards
 “ and ferms, by reason whereof the Kyngs estate
 “ was greatly mynished and decayed, and he and
 “ his kin highly exalted and enriched.”

† Besides, the same author says, he had dipped his hands in blood, having been a chief instrument in contriving the murder of Humphrey duke of Gloster. But sanguinary men seldom escape unpunished; for this duke of Suffolk had his own head struck off upon the side of a cock-boat, by a servant belonging to the duke of Exeter.

‡ Sir Robert Cotton cites an old author, who gives an admirable description of those times. He says, “ I will tell you what I found since this
 “ assembly at Oxford, written by a reverend man
 “ twice vice-chancellor of this place: his name
 “ was Gascoin; a man that saw the tragedy of De
 “ la Pool: He tells you, that the revenues of the
 “ crown were so rent away by ill counsel, that the
 “ King was enforced to live De Tallagiis Populi:

* Graft. Chron. p. 609.

† Ibid. p. 610.

‡ Cot. Post. p. 280. In his speech to the House of Commons.

“ That

“ That the King was grown in debt Quinque cen-
“ tena millia librarum: That his great favourite,
“ in treating of a foreign marriage, had lost his
“ master a foreign dutchy. That to work his
“ ends, he had caused the King to adjourn his
“ parliament In villis & remotis partibus regni,
“ where few people, Propter defectum hospitii &
“ victualium, could attend; and by shifting that
“ assembly from place to place, to enforce (I will
“ use the author’s words) Illos paucos qui remane-
“ bant de communitate regni, concedere Regi
“ quamvis pessima. When the parliament endea-
“ voured, by an act of resumption, the just and fre-
“ quent way to repair the languishing state of the
“ crown, (for all from Hen. 3. but one, till the
“ 6th of Henry the 8th, have used it) this great
“ man told the King, it was Ad dedecus Regis,
“ and forced him from it: To which the Com-
“ mons answered, although Vexati laboribus &
“ expensis, quod nunquam concederent taxam
“ Regi, until, by authority of parliament, Re-
“ sumeret actualiter omnia pertinentia coronæ
“ Angliæ. And that it was Magis ad dedecus
“ Regis, to leave so many poor men in intolerable
“ want, to whom the King stood indebted. Yet
“ could not all good counsel work, until by par-
“ liament that bad great man was banished, which
“ was no sooner done, but an act of resumption
“ followed the enrolment of the act of his exile-
“ ment.”

Sir Robert Cotton, that learned antiquary, is so
entirely in the right in this assertion, that whoever
looks over the records, will find, that there is not
so much as a line interposed between the proceedings
against the duke of Suffolk, and the act of re-
sumption, so quickly they followed one another:
Which ought to be a perpetual notice and lesson

to posterity, that when the people of England desire an act of resumption, the work must begin with impeaching corrupt ministers.

We have hitherto produced impeachments of elder times, which perhaps the persons concerned in point of interest, will call old musty records; we shall therefore now proceed to show some precedents of a later date.

As our ancestors held it a crime for men to procure to themselves offices above their capacity, and gifts and grants from the crown beyond their deserts; so in this later age, the House of Commons have thought the like proceedings not for the King's honour, and dangerous to the publick.

* It was an article against the duke of Buckingham, that he had such a multiplicity of high offices in the state, as no one person could well and truly discharge.

That, for his own particular gain, he had sold patents to be peers of England, to the prejudice of the gentry, and dishonour of the nobility of this kingdom.

That, besides his great employments, and the profits thereunto belonging, which might have satisfied any moderate ambition, he had procured to himself several grants of the crown-revenue, amounting to a high value.

But that the reader may have this matter of impeachments more fully before him, we shall here insert the three articles which have reference to our present subject, though they are already published in Rushworth.

† Art. I. "That whereas the great offices, expressed in the said duke's stile and title, heretofore have been the singular preferments of se-

* 2 Car. 1.

† Rush. Coll. 1 vol. p. 306.

“veral persons, eminent in wisdom and trust, and
“fully able for the weighty service, and greatest
“employments of the state, whereby the said
“offices were both carefully and sufficiently exe-
“cuted by several persons of such wisdom, trust,
“and ability: and others also that were employed
“by the royal progenitors of our sovereign lord
“the King, in places of less dignity, were much
“encouraged with the hopes of advancement.
“And whereas divers of the said places severally
“of themselves, and necessarily require the whole
“care, industry, and attendance of a most provi-
“dent, and most able person: he the said duke,
“being young and unexperienced, hath, of late
“years, with exorbitant ambition, and for his own
“profit and advantage, procured and engrossed
“into his own hands the said several offices, both
“to the danger of the state, the prejudice of that
“service which should have been performed in
“them, and to the great discouragement of others;
“who by this his procuring and engrossing of the
“said offices, are precluded from such hopes, as
“their virtues, abilities and publick employments,
“might otherwise have given them.”

* Art. IX. “Whereas the titles of honour of
“this kingdom of England were wont to be con-
“ferred as great rewards, upon such virtuous and
“industrious persons as had merited them by their
“faithful service; the said duke, by his importu-
“nate and subtle procurement, had not only per-
“verted that ancient and most honourable way,
“but also unduly, for his own particular gain, he
“hath enforced some that were rich (though un-
“willing) to purchase honour: as, the lord R.
“baron of T. who, by practice of the said duke,

“ and his agents, was drawn up to London, in or
 “ about October, in the two and twentieth year of
 “ the reign of the late king James of famous me-
 “ mory, and there so threatened and dealt withal,
 “ that by reason thereof, he yielded to give, and
 “ accordingly did pay the sum of ten thousand
 “ pounds to the said duke, and to his use: for
 “ which said sum, the said duke, in the month
 “ of January, in the two and twentieth year of the
 “ said late King, procured the title of baron R.
 “ of T. to the said lord R. In which practice, as
 “ the said lord R. was much wronged in this par-
 “ ticular, so the example thereof tendeth to the
 “ prejudice of the gentry, and dishonour of the
 “ nobility of this kingdom.”

* Art. XII. “ He the said duke not contented
 “ with the great advancement formerly received
 “ from the late King, of famous memory, by his
 “ procurement and practice, in the fourteenth year
 “ of the said King, for the support of the many
 “ places, honours, and dignities conferred on him,
 “ did obtain a grant of divers manors, parcel of
 “ the revenue of the crown, and of the dutchy of
 “ Lancaster, to the yearly value of one thousand
 “ six hundred ninety-seven pounds two shillings
 “ half-penny farthing of the old rent, with all
 “ woods, timber, trees, and advowson; part whereof
 “ amounting to the sum of seven hundred forty-
 “ seven pounds thirteen shillings and four-pence,
 “ was rated at two and thirty thousand pounds,
 “ but in truth of a far greater value. And like-
 “ wise in the sixteenth year of the same King’s
 “ reign, did procure divers other manors annexed
 “ to the crown, of the yearly value, at the old
 “ rent, of twelve hundred pounds, or thereabouts,

* P. 340.

“ according

“ according as in a schedule hereunto annexed ap-
“ peareth : in the warrant for passing of which
“ lands he, by his great favour, procured divers
“ unusual clauses to be inserted, (viz.) That no
“ perquisites of courts should be valued, and that
“ all bailiffs fees should be reprised in the particu-
“ lars upon which those lands were rated ; whereby
“ a precedent hath been introduced, which all
“ those who, since that time, have obtained any
“ lands from the crown, have pursued to the da-
“ mage of his late Majesty, and of our sovereign
“ lord the King that now is, to an exceeding great
“ value. And afterwards he surrendered to his
“ said Majesty divers manors and lands, parcel of
“ those lands formerly granted unto him, to the
“ value of seven hundred twenty-three pounds
“ eighteen shillings and two-pence halfpenny per
“ annum ; in consideration of which surrender, he
“ procured divers other lands of the said late King,
“ to be sold and contracted for, by his own servants
“ and agents, and thereupon hath obtained grants
“ of the same, to pass from his late Majesty, to
“ several persons of this kingdom, and hath caused
“ tallies to be stricken for the money, being the
“ consideration mentioned in those grants in the
“ receipt of the exchequer, as if any such moneys
“ had really come to his Majesty’s coffers ; whereas
“ the duke (or some other by his appointment)
“ hath indeed received the same sums, and ex-
“ pended them upon his own occasions. And
“ notwithstanding the great and inestimable gain
“ by him made by the sale of offices, honours,
“ and by other suits by him obtained from his
“ Majesty, and for the countenancing of divers
“ projects, and other courses, burthensome to his
“ Majesty’s realms, both of England and Ireland ;
“ the said duke hath likewise, by his procurement
“ and

“ and practice, received into his hands, and dis-
“ burfed to his own use, exceeding great sums,
“ that were the monies of the late King of famous
“ memory, as appeareth also in the said schedule
“ hereunto annexed: and the better to colour his
“ doings in that behalf, hath obtained several
“ privy-seals from his late Majesty, and his Ma-
“ jesty that now is, warranting the payment of
“ great sums to persons by him named, causing it
“ to be recited in such privy-seals, as if those sums
“ were directed for secret services concerning the
“ state, which were notwithstanding disposed of to
“ his own use; and other privy-seals by him have
“ been procured for the discharge of those persons
“ without account; and by the like fraud and
“ practice, under colour of free gifts from his
“ Majesty, he hath gotten into his hands great
“ sums, which were intended by his Majesty to be
“ disbursed for the preparing, furnishing and vic-
“ tualling of his royal navy; by which secret and
“ colourable devices, the constant and ordinary
“ course of the exchequer hath been broken,
“ there being no means by matter of record to
“ charge either the treasurer or victualler of the
“ navy with those sums which ought to have come
“ to their hands, and to be accounted for to his
“ Majesty; and such a confusion and mixture hath
“ been made between the King's estates and the
“ duke's, as cannot be cleared by the legal entries
“ and records, which ought to be truly and faith-
“ fully made, and kept, both for the safety of
“ his Majesty's treasure, and for the indemnity
“ of his officers, and subjects whom it doth con-
“ cern. And also in the sixteenth year of the said
“ King, and in the twentieth year of the said King,
“ he did procure to himself several releases from
“ the said King of divers great sums of money of
“ the

“ the said King by him privately received, and
“ which he procured, that he might detain the
“ same for the support of his places, honours,
“ and dignities. And these things, and divers
“ others of the like kind, as appeareth in the
“ schedule annexed, hath he done, to the exceed-
“ ing diminution of the revenue of the crown,
“ and in deceit both of our sovereign Lord the
“ King that now is, and of the late King James of
“ famous memory, and to the detriment of the
“ whole kingdom.”

The duke escaped this storm by the sudden dissolution, which was chiefly to save him; however, in the next parliament, 4 Car. 1. he was again attacked as freshly as before, which again he had interest enough to get dissolved; but had he lived to see another, he must undoubtedly have sunk under the just anger of the House of Commons.

For the people of England have never patiently borne to see immoderate wealth, power and honours, with variety of great offices, conferred upon any single person. Hardly any favourite had nobler qualities than this great man: he was beautiful in his person, magnificent in his nature, and not without either heart or understanding. Many people had tasted of his private liberalities; he would hunt out for persons of merit, and bring them, from their most secret retirements, into business. He was rough only to his enemies, but most earnest and ready to oblige his friends; he would often get for others what he might conveniently have kept for himself; he governed not only his domestick affairs, but his transactions in the state, by the advice of a select number of friends, all able men, but not engaged in publick matters, whom he retained in his service by pensions out of his own purse. And yet, thus qualified as he was,
it

it was not thought reasonable in parliament, that so high honours, so much wealth and power, and such a multiplicity of employments, should be conferred upon so young a man.

If such a one could not stand before the people, much less will they, in any future reign, bear to see men with the like wealth, poured upon them, and in the like station of power and favour, who have none of his qualifications, who are contemptible in their figures, who make no expence but what tends to their private luxury, of whose bounty no one ever tasted, who bar the court gates to any merit, who never did any kind office, who make a sale of all employments, who creep to their enemies and slight their friends, who never did good but for themselves, or to here and there an humble flatterer, and who never, in their transactions for the state, govern themselves by the advice of grave friends, but act all things upon their own giddy heads, ever drowned in wine, or heated by debauches.

* But to return to our present matter. Martis die 24 Nov. 1640. There were reported 8 articles in maintenance of the Commons accusation against the earl of Strafford, which were agreed upon the day following, and of which the 3d article is,
 “ That the better to enrich and enable himself to
 “ go through with his traiterous designs, he hath
 “ detained a great part of his Majesty’s revenue,
 “ without giving legal account; and hath taken
 “ great sums out of the exchequer, converting
 “ them to his own use, when his Majesty wanted
 “ money for his own urgent occasions, and his
 “ army had been a long time unpaid.”

In the heads of the accusation against the earl of Clarendon, reported by Sir Thomas Littleton, Mercurii, 6 Nov. 1667, one of the articles was :

* Journal of the House of Commons.

Art. 8.

* Art. 8. " That he hath in a short time gained
" to himself a greater estate than can be imagined
" to be gained lawfully in so short a time; and,
" contrary to his oath, hath procured several grants
" under the great seal, from his Majesty, to himself
" and relations, of several of his Majesty's lands,
" hereditaments and leases, to the disprofit of his
" Majesty."

We all know the impeachment against that noble earl, was rather a court design, than carried on by good patriots. The zeal he had shown for the laws of his country, had stirred him up some enemies: and because he would not make a difference between the King and duke of York, he chose to retire, which retirement was followed by an act to banish him: but had he staid, and stood his trial, no doubt he had justified himself in this, and in the other articles. For, upon enquiry, the writer of these papers is informed, that he had not procured any grant of the crown demesnes: and as to Clarendon park, now in the family, and which was crown-land, that he bought it at the full value, of the old duke of Albemarle, who had begged it of the King. But if he had received any gift of forfeited estates, or in money, his long services and sufferings, and his having been a companion in his master's exile, might very well deserve any such sort of bounty.

† " Jovis 15 die Jan. 1673. Articles of treasonable and other crimes of high misdemeanor against the earl of Arlington, principal secretary of state, being opened, were presented to the house, and read." The articles containing matter of treason, were 7. It was further opened, That the said earl had been guilty of many undue

* Journal of the House of Commons.

† Ibid.

practices to promote his own greatness, and had embezzled and wasted the treasure of this nation.

Art. 1. “ By procuring vast and exorbitant
 “ grants for himself, both in England and Ireland,
 “ breaking into the settlement of that kingdom,
 “ and dispossessing several English adventurers and
 “ soldiers of their properties and freeholds, in
 “ which they were duly and legally stated, without
 “ any colour of reason or suggestion of right.

Art. 2. “ By charging excessive, and almost incredible sums, for false and deceitful intelligence.

Art. 3. “ By procuring his Majesty’s hand for
 “ the giving away, between his first entrance into
 “ his office, the value of 3,000,000 of sterling
 “ money, at the least, the several grants whereof
 “ are extant, countersigned by him, and by him
 “ only.

“ Martis 20 die Jan. 1673. The house resumed
 “ the adjourned debate, concerning the lord Arlington. The question being put, That an
 “ address be presented to his Majesty to remove
 “ the earl of Arlington from all his employments,
 “ that are held during his Majesty’s pleasure, and
 “ from his Majesty’s presence and council for
 “ ever. It passed in the negative by 39 voices.

“ Resolved, That a committee be appointed to
 “ consider of the articles against the earl of Arlington, and to report what matter is therein
 “ contained, and can be proved, that is fit for an
 “ impeachment. Committed to Mr. Couch, &c.”

Memorandum, The committee never made their report; for, the 24th of March, the parliament was prorogued to the 10th of November, 1674, and so the matter fell.

“ Lunæ 26 die Apr. 1675. * A charge or impeachment against Thomas earl of Danby, lord

* Journal of the House of Commons.

“ high-treasurer of England, containing several
“ offences, crimes, and misdemeanors, of a very
“ high nature, being presented and opened to the
“ house, and afterwards brought in and delivered
“ at the clerk’s table, and read.

Art. 6. “ That the said earl hath procured great
“ gifts and grants from the crown, whilst under
“ great debts, by warrants counter-signed by
“ himself.

“ The 2d article of the impeachment being
“ read, and the matter thereof debated, Resolved,
“ That before the house do proceed farther in the
“ debate of this article, they will hear the wit-
“ nesses. The witnesses were heard; then the
“ house adjourned.

Lunæ 3 die Maii, 1675. “ The house then pro-
“ ceeded in the farther consideration of the articles
“ against the lord treasurer. And, 3d, 4th, 5th,
“ 6th, and 7th articles, being read, and the question
“ being severally put, Whether any fit matter doth
“ appear in the examination of those articles, to
“ impeach the lord treasurer? It passed in the
“ negative.

* Sabbati 21 die Decemb. 1678. “ Articles of
“ impeachment of high treason, and other high
“ crimes, misdemeanors, and offences, against
“ Thomas earl of Danby, lord high treasurer of
“ England, were delivered from the committee.

Art. 5. “ That he hath wasted the King’s trea-
“ sure, by issuing out of his Majesty’s exchequer,
“ and several branches of his revenue, divers great
“ sums of money for unnecessary pensions, and
“ secret services, to the value of 231,602 l. within
“ two years: and thus he hath wholly diverted
“ out of the known method and government of

* Journal of the House of Commons.

“ the exchequer, one whole branch of his Ma-
 “ jesty’s revenue to private uses, without any ac-
 “ count to be made thereof in the exchequer, con-
 “ trary to the exprefs act of parliament which
 “ granted the same. And he hath removed two
 “ of his Majesty’s commissioners of that part of
 “ the revenue, for refusing to consent to such his
 “ unwarrantable actings, and to advance money
 “ upon that part of the revenue for private uses.

Art. 6. “ That he hath, by indirect means, pro-
 “ cured from his Majesty, for himself, divers con-
 “ siderable gifts and grants of inheritance of the
 “ ancient revenue of the crown, even contrary to
 “ acts of parliament.

“ Ordered, That the articles of impeachment
 “ against the lord high treasurer be engrossed, and
 “ that Sir Henry Capel do carry them up to the
 “ Lords on Monday morning next.”

We have cited these two precedents, relating to the earl of Danby, to shew, when the old whigs were in the supremest perfection of their virtue, and publick zeal, that they then thought it a high crime and misdemeanor for a minister to procure to himself grants out of the King’s revenue.

By the authorities and precedents we have quoted, it appears manifestly, that our ancestors have, from the first institution of this government, very highly resented such proceedings.

But here it may be asked, how a statesman is to behave himself when the Prince is inclined to liberality, and overborne with importunities to give away what should subsist him and the state? To which we answer, That the lord chancellor’s oath plainly directs the minister in his duty; “ Ye shall
 “ neither know nor suffer the King’s hurt, nor his
 “ disheriting, nor that the rights of the crown be
 “ distressed by any means, as far forth as ye may
 “ let

“let it: and if ye may not let it, ye shall make
 “knowledge thereof clearly and exprefsly to the
 “King, with your true advice and counfel.” By
 which words, without doubt, the law must mean,
 (and the chancellor’s oath is part of our law and
 constitution) that this high officer is to oppose,
 with all his power and interest, what he sees tend-
 ing to the King and kingdom’s prejudice: and if
 he finds a great number of grants passing, the law
 intends, by binding him with such an oath, that he
 should from time to time represent to the King his
 debts, the taxes, and necessities of the nation.
 But suppose, that notwithstanding this representa-
 tion, the Prince will have the grant to proceed,
 how is the minister to act in such a case? Without
 doubt, he is then to consider this maxim of our
 law, That the King can do no hurt, and that the
 minister only is accountable for any mal-admini-
 stration.

He is to contemplate what high officers in the
 state have been impeached upon the like account,
 and without all controversy, he is rather to leave
 the court, and quit his employment, than to do a
 thing which cannot be justified by the laws and
 constitution of this kingdom.

* Simon Normannus, keeper of the great seal
 under Henry the 3d, and Jeffery his brother, both
 knights-templars, and men in great power, suffered
 themselves to be turned out of their employment,
 rather than to pass a grant from the King, of four
 pence upon every sack of wool, to Thomas earl of
 Flanders, the King’s uncle. † Matthew Paris,
 speaking of these two brothers being put from
 court, says, “Seminarium & causa præcipua fuit
 “hujus iræ regiæ, quod idem Simon noluit con-

* Daniel, p. 134.

† P. 519.

“ signare quoddam detestabile scriptum, contra
 “ coronam domini Regis confectum. Cujus tenor
 “ talis fuit, ut comes Flandriæ Thomas perciperet
 “ de quolibet sacco lanæ delatæ ab Anglia per
 “ partes suas, telonium: scilicet de quolibet sacco
 “ quatuor denariorum. Nec Galfridus templarius
 “ huic enormi facto consensit, licet Rex ad hoc
 “ avide nimis anhelaverit.”

It is true, men are very unwilling to quit great employments, attended with much wealth and high honours; and the common excuse of such as comply more than they ought, is, that others will be readily found to do the same thing: so that they shall prejudice themselves without any advantage to the publick. Nay, they often pretend to remain at court only to prevent greater and farther mischiefs.

Suppose then this to be the case, and that the tide runs so strongly one way, that no single minister in his station is able to stem it, and that the Prince will divest himself of his revenues, notwithstanding he is otherwise advised, what does the constitution of this kingdom require from a lord chancellor, a lord treasurer, lord privy-seal, and the secretary of state, when such measures are taken? What proofs will clear them before the whole world, that they are no ways consenting to such proceedings, and that things are carried by an irresistible strength against that counsel they would be thought to give?

Without doubt, they stand justified before a parliament, and in the opinions of the people, if they give manifest evidence that their own hands are clean, and that they do not at all participate in the depredations that are made upon the publick: if they have asked nothing for themselves, it is a sign they did not promote grants; for he who ventures

to wrong the King, will rather do it for his own gain than for the advantage of another: therefore a total self-denial in the minister is a great mark of innocence.

If they were seen to have as large a share in the plunder as any others; if the King's best lands and manors were found in their hands; or, which is worse, if they had devoured all the flesh themselves, and left to others only the bones to pick; if, while the publick was poor, they had procured to themselves outrageous gifts of money, as they are called in the records; if it was known that they had procured immoderate releases for money, (now they term them privy-seals) and that in an unwarrantable manner; our ancestors looked no farther, but took the ministers to be guilty, and presumed, that they, singly, for their own gain and profit, had incited the Prince to liberalities inconsistent with the welfare of his crown and government; and thereupon our forefathers grounded the impeachments we have mentioned in this section.

We do not find in the records, (except in the lady Vescie's case) that the anger of parliaments was provoked against the common herd of courtiers, who in all ages have raked from the Prince whatsoever they could: but the sword of the legislature was directed against their heads, who being ministers of state, in his privy council, bound up by oaths, (*Astricts per lour serments*) and having offices attended with large salaries and profits, did nevertheless, with insatiable avarice and ambition, and without any consideration of the publick wants and miseries, rob the crown of all they could, by a practice as foul in itself, as it was fatal in its example: for in these cases, the law has only an eye to those who are entrusted, and expects the town should not be sold, surrendered, or betrayed by the very centinels who are set to watch the gates.

Perhaps these great men alledged in their excuse, that none will serve a court without rewards: but our ancestors thought the appointments belonging to their offices a sufficient recompence; and that government grows very costly, when ministers must go away with 10,000 l. per annum estate, for 5 or 6 years service. Nor did our forefathers think it reasonable, that out of the substance of the Commons of England, there should be built up every year 3 or 4 new and wealthy families.

It is true, indeed, the Ranulphs, the De la Pools, the Beurlees, and the Buckinghams, of former ages, might very well expect all they got, or could get, if every day they were making bold steps, by which they ran a hazard of their necks. But in times when the laws govern, and when extraordinary things are neither expected by the Prince, nor suffered by the people, ministers, for their service, ought to be contented with a moderate reward.

It is probable likewise, that when they begged those large grants of former Kings, (for which they were impeached) they suggested to them what immense sums of money they had got granted for them by the Commons. But if the true necessities of the state required it, the gifts would have proceeded without their urging. Nor do we find that Hubert, archbishop of Canterbury, a good and faithful servant, got, or was impeached for getting grants, though he had obtained 1,100,000 marks for the redemption of King Richard. Besides, our ancestors never thought, that procuring money from the people ought to commute for robbing the Prince, well knowing that to be true which my lord Verulam has since observed, that these men, so dextrous at finding out projects, and at inventing new taxes, * “prey upon the people like tame

* Life of Hen. VII. p. 210.

“ hawks

“ hawks for their master, and like wild hawks
“ for themselves.”

Our forefathers had good reason to animadvert upon these proceedings; for nothing more tends to corrupt a country than the easy way of getting wealth by the profusion of a court. It makes men abandon the thoughts of raising themselves by virtue and merit, and reduces a nation to the state of which Mr. Pym speaks, when he says, “ There
“ are but few now that apply themselves either to
“ do well, or to deserve well; finding flattery and
“ compliance to be the easier way to attain their
“ ends and expectations.”

But the advocates for mal-administration, and they who give a fair colour to corruptions of this nature, will perhaps urge, that generally the heirs of such as here are mentioned to have been attainted for these crimes, have been restored in blood. We grant the fact to be so; but this is no argument that they were wrongfully accused or condemned. Perhaps, to make the punishment extend beyond the person of the criminal, is wrong in our constitution; and that all restitutions in blood whatsoever ought to be favoured: but families have been restored, whose parents no man will pretend to justify. * Hamond Belknap was enabled in blood, 2 Hen. V. and the family was afterwards fully restored, 6 Hen. VIII. And yet no Englishman will offer to say, that Belknap did not deserve his death. The attainders shewed the severe justice of our ancestors; and the restitutions that came afterwards, are signs only, that we are born in a country where the people are well-natured, and who cannot long entertain angry and revengeful thoughts, but where lenity has en-

* Rot. Parl. 2 Hen. V. No. 19.

couraged many persons more boldly to enterprise against the publick.

Thus far as to what has been done in these matters. But before we conclude this section, we shall observe, that other countries as well as England have relieved the affairs of the Prince by resump-tions, for which Grotius cites several authorities.

* “Donata etiam ab emptoribus repetiit Galba,
 “relicta decima. Tacit. Hist. i. Pertinax etiam à
 “liberis ea exegit quæ sub specie venditionis com-
 “modo Principe lucrificerant. Basilius Macedo
 “imperator repetiit quæ Michael imperator elar-
 “gitus fuerat. Zonaras de eo: communi con-
 “sensu placuit, ut qui pecunias nulla probabili ex
 “causa accepissent, partim totas, partim dimidium
 “redderent. Vide eundem Isaacio Comneno de
 “donationibus Ludovici XI. Vide Serranum Ca-
 “rolo VIII. de ejusdem donationibus, etiam quæ
 “ecclesiis factæ, non servatis, Philippum Comi-
 “næum lib. ix. Marianam vero de donationibus
 “quas Arragoniæ Rex Ramirus fecerat, rescissis,
 “lib. x. cap. xvi. de Isabellæ donationibus rescissis
 “per ipsam xxvii. cap. ii.”

The same has been done in Scotland: † James the 1st recalled all such lands as had been either alienated, or wrongfully usurped from the crown. And also what was wont to be idly given away, as forfeitures, escheats and wards, were restrained to the crown, and kept to the King himself.

And in other countries, as well as in England, they who deceived or robbed the Prince, were highly punished. Among the Romans, the *Crimen peculatus* was accounted capital. “*Crimen pecu-*
 “*lates hoc est furtum Principis aut reipublicæ.*

* Grotius de Jure Belli ac Pacis, l. 2. annot. ad cap. 14.

† Drummond's Hist. of Scotland, p. 27.

“*Quisquis*

“ Quisquis igitur in administrandis, aut dispen-
 “ sandis Principum bonis, ita infideliter se gerit,
 “ ut eas pecunias furetur, aut clanculariis technis
 “ eripiat, aut ad proprium commodum abutatur,
 “ aut ad alios certe usus, quam ad usum Principis;
 “ is puniendus quadruplo, & exilio. Imo juxta
 “ multorum sententiam, puniendus est capitaliter,
 “ L. unica C. de crimine peculat. * Damhouderii
 “ Praxis Rer. Crim. Hujus criminis accusatio
 “ quinquennio durat, ejus pœna, aquæ & ignis
 “ interdictio, in cujus locum, hodie, successit de-
 “ portatio. Wessenbecius ad Leg. Jul. de Peculat.”

In France, several persons of the highest rank have been capitally punished for frauds committed in the Prince's revenue, of which we shall give several instances.

But first, we shall give a precedent of a financier, or treasurer, who was honest of his own accord: but Mezeray observes, the example will always remain singular. Girard de Possi, in the reign of † Philip Augustus, had wronged his master of 11,000 marks of silver, which he refunded into the exchequer. “ Girard de Possi qui manioit les
 “ finances, y remit de son propre fonde onze mille
 “ marcs d'argent, il est a croire qu'il les avoit
 “ gagne avec le Roy: mais quoy qu'il en soit, on
 “ peut dire que cet exemple sera toujours unique,
 “ & qu'on ne verra jamais de financier qui le veu-
 “ ille suivre. Quelque chose qu'on fasse, ces gens
 “ la iront plustot au gibet, que de venir a resti-
 “ tution.”

‡ In the reign of Philip le Bel, Engherand le Portier, Seigneur de Marigni, raised excessive taxes upon the people, filling his own coffers at the same

* Cap. de Pec. p. 444.

† Vie Philip le Bel.

‡ Mezeray vie de Phil. Aug.

time. “ Il y avoit quatre cheffs d'accusation contre
 “ luy d'avoir altere les monnoys, charge le peuple
 “ d'impôts, vole plusieurs grandes sommes, &
 “ degrade les forests du Roy.” There were four
 heads of accusation against him. That he had
 altered the coin, loaded the people with taxes,
 robbed the King of a great sum of money, and
 cut down the timber of his forests. He was tried
 by the peers and barons of the kingdom, con-
 demned, and hanged.

This man was succeeded in his employment by
 one Peter de Remy Sieur de Montigny, who trod
 in the steps of his predecessor, and was likewise
 sentenced to death in parliament, in the reign of
 Philip de Valois. * His confiscation amounted to
 1,200,000 livres; a prodigious sum for those times.
 “ Par arrest du parlement ou se trouverent, 18
 “ chevaliers 25 Seigneurs & Princes & le Roy
 “ mesme, il fust condemne a traïner & pendre,
 “ comme traïstre, au gibet de Montfaucon qu'il
 “ avoit fait rebastir: sa confiscation montoit a
 “ douze cents mille livres, sommes prodigieuse pour
 “ ce temps la.”

† In the reign of Charles the 6th, there was one
 John de Montaign, who was a kind of ‘ Surin-
 ‘ tendant des finances,’ or what we call commissioner
 of the treasury, whom Mezeray describes to have
 been a little insolent fellow; who from a low de-
 gree, and without any great merit of his own, and
 only by the King's favour, was got into great em-
 ployments, where giving offence by his pride and
 arrogance, the great ones at last fell upon him, and
 he was accused, condemned, and hanged. But take
 the author's own words, and his description of him.
 “ Cestoit un homme de mediocre naissance, fils

* Vie de Phil. de Valois.

† Vie de Charles 6.

“ d'un

“ d’un burgeois de Paris, que la faveur du Roy,
“ sans beaucoup de merite de son costé, avoit eslevé
“ jusqu’ à la charge de grand maistre de sa maison,
“ & ses freres, l’un à l’archevesché de Sens, l’autre
“ à celui de Paris. Ses richesses immenses, qui
“ ne s’acquierent jamais sans crime, aveuglerent ce
“ petit homme, & donnerent dans les yeux des
“ grands; en sorte qu’il avoit marié son fils avec
“ la fille du connestable d’Albret, & ses filles à des
“ plus grands Seigneurs du royaume.

“ Quoy qu’il eust fort servy à la negociation du
“ traité de Chartres: neantmoins le duc de Bour-
“ gogne & le Roy de Navarre conspirerent sa
“ perte, parce qu’il avoit donne le conseil d’em-
“ mener le Roy a Tours. Ils le firent accuser de
“ plusieurs crimes énormes, prenant leur temps,
“ que le Roy que l’aymoit, estoit dans sa folie. Il
“ fut arresté par Pierre des Essards, prevost de
“ Paris examiné par des commissaires du parle-
“ ment, & tourmenté horriblement à la question.
“ La douleur ne tira rien de sa bouche, neantmoins
“ il eut la teste trenchée aux halles. A la mort il
“ confessa de son bon gré la depredation des finances,
“ qui contient en soy tous les plus grands crimes.
“ Le tronc de son corps fut pendu au gibet, sa teste
“ plantée sur un pieu.”

S E C T. V.

That the forfeited Estates in Ireland ought to be applied towards Payment of the Publick Debts.

LAST year there was delivered in an account of such parliamentary funds as were deficient, and for which no provision was made, March 4, 1688-9 : when the House resolved into a committee upon the bill for applying all the forfeited estates and interests in Ireland to the use of the publick ; and of the bill for granting an aid to his Majesty.* The heads of which are as follow :

That in the duty upon low wines,	}	l.	s.	d.
there would at Lady-day, 1701,				
be a deficiency of				

20,000 0 0

The deficiencies in several funds granted to pay off the exchequer-bills (besides the interest due, and to be due upon them) computed at	}	923,244	12	8½

The deficiency in the 3 shilling aid granted 1695, (besides interest) computed at	}	416,000	0	0

In the duties upon parchment and paper, a deficiency of	}	15,400	0	0

The deficiency in the leather duty, computed to the 20th of April, 1700, to be about	}	426,438	0	0

In the duty upon malt, a deficiency of about	}	625,000	0	0

In the aid by a quarterly poll, granted 1697, a deficiency of	}	180,000	0	0

Deficiencies in the three nine-pences upon beer and ale	}	153,771	19	8

In all, 2,759,854 12 4½

* Journals, vol. xiii. p. 264.

It is to be apprehended, this account is rather increased than diminished since last year; particularly the interest due upon exchequer-bills, and malt-tickets will amount to a very considerable sum.

Besides which, there are arrears of several kinds, not yet provided for, which will be reckoned a debt upon the nation.

And over and above all this, a provision is to be made for the expences of the current year.

But the honour of the House of Commons, and the credit of the nation, seem absolutely engaged to make good several deficiencies, to which we are not only bound by publick faith, which ought to be inviolable, but by direct and express clauses in acts of parliament; so that when a law has enacted, that such a debt should be paid by a prefixed time, all ways and means ought to be thought upon to make that promise good, not so much for the sake of credit to go a-borrowing with, (which parliaments can hardly lose) but to keep sacred the dignity and majesty of the commonwealth.

There is no man will pretend to say, but that the ways and means of raising money are extremely difficult. Almost every branch of our home consumption has a load upon it. Our foreign traffick is already more charged than can possibly consist with the interest of a trading country. 3 shillings per pound, with the strictness it is now levied, is such a weight, that if it be much longer continued, must, in time, certainly ruin all the less freeholders, and greatly hurt the gentry of this kingdom.

To lay farther excises upon the same commodities, cannot be done without apparent prejudice to the duties already granted; the same will hold in laying higher customs. To charge land for any long term of years in times of peace, is a thing unheard

unheard of among our ancestors; and though past conduct has made it perhaps unavoidable for some years to come, yet the people will think themselves very ill dealt with by their representatives, if care be not taken to lay as few burthens upon their land as possible.

Some indeed have been of opinion, that the deficiencies may be satisfied, and that the debts may be paid by prolonging the funds already granted for a further term of time; but others who love their country, have thought it dishonourable and dangerous, that England should be so long pawned, and continue for so many years in mortgage. They think it not safe for our constitution, nor consistent with our civil rights, that there should be levied in this kingdom, for any number of years, near four millions annually, in customs, excises, and such like duties, which, in some future reign, bad ministers may perhaps seize upon, and intercept, by stopping the Exchequer, in order to set up an army, and to subsist without a parliament. Of this good patriots will be always apprehensive, and have therefore ever abhorred these long funds, which all the neighbouring Princes round about us have constantly made use of for subverting the liberties of their people.

Some without doors have been for trying such wild projects, as was that of increasing the number of exchequer-bills, which indeed was a good expedient to lull our creditors asleep, and to quiet things for the present, while certain persons might have the opportunity of doing their own business, and of building up their own fortunes; but the publick could thereby have reaped no benefit. On the contrary, this calm in our affairs, and the not being pressed by any clamorous demands, would have occasioned and encouraged still more and more

more bad husbandry; and at last, the debt must have come upon us, with the addition of a heavy load of interest; besides, (which is unanswerable) if a war had overtaken the nation with such a debt upon it, all due and demandable at a day, publick credit must have sunk at once, upon which would have followed ruin, without redemption.

Good patriots will never think England can be effectually relieved by any ways and means of raising money, but such as shall sink part of the principal debt, and hinder us from being eaten up by that canker of usury, which has been so destructive to this government.

Nor will Englishmen (we mean such of them as consider at all) think that trade can flourish, or that liberty is entirely safe, till our payments to the publick are reduced to what they were before the war, viz. 2 millions yearly; for this nation will be ever apprehensive, that such mighty sums as we now pay, may hereafter, in the reign of some other Prince, be turned against the people, though given and granted for their preservation.

Since therefore the common ways and means of raising money may be dangerous in their future consequence, or a present burthen upon the nation, it imports good patriots to consider, whether or no the necessities of the government may not be supplied by the methods which our ancestors have so frequently put in practice. By which we mean, whether or no a Resumption of such lands in England, and more especially in Ireland, as have lately been granted away from the crown, would not be a great relief and ease to the people in their taxes.

If a Resumption can be made without breaking into the rules of justice, or without bringing any reflection upon the King, whose honour, above all things, ought to be regarded; and if thereby 2
millions

millions can be raised, to come in the room and place of a land-tax, very few people will think it strange for the legislative authority to exert itself in a matter so much for the common ease and benefit: and where the publick is so deeply concerned, but very few persons will consider or consult the private interest of such as have procured the grants. Therefore, in handling this subject, we shall endeavour to examine into, and state these following points.

I. How far it is consistent with the honour of a Prince to desire and promote a Resumption by act of parliament.

II. What interest the people of England have in the lands granted away, and especially as to the forfeited estates in Ireland.

III. How far, in an act of Resumption, it is just and reasonable to look backwards.

1st, "How far it is consistent with the honour of a Prince to desire and promote a Resumption by act of parliament." There is nothing more evident in our histories, than that the most magnanimous of our Kings have been the most free in confirming to the people their ancient liberties. Magna Charta, as it is now derived down to us, was modelled by Henry the 1st, a Prince famous for his military virtues, which was confirmed by * Stephen, a King active enough in the field. This sheet-anchor of our liberties was yet more strengthened by Edward III. as renowned as any of our Kings for personal valour and victories abroad. That, which heretofore, by flatterers and corrupt ministers, has been called Prerogative, was never insisted upon, but by weak and effeminate Princes, who desired that their immoderate appetites of

* Math. Par. fol. 74.

doing ill, might be justified and strengthened by more power than was allowed them by the laws. Magnanimous Kings have always thought, that the royal prerogative consisted chiefly in the power of doing good to so many millions of men, who depend upon their wisdom and courage. Henry the 4th, that heroick Prince, who obtained the crown by his own personal merits, was so far from thinking his prerogative injured by acts of grace and favour, by which good government might be promoted, that he himself desired of the House of Commons, that his whole privy council might be named and established in parliament. * “ Et re-
“ hercea outre coment l’erceveqé de Canterbirs leur
“ avoit fait report qe le Roy vorroit estre conseillez
“ per les pluis sages Seignours du royaume, les-
“ queux deussent avoir survieu de tout ceo qe feroit
“ fait pur la bone gouvernance de son royaume.
“ A quel chose faire, le Roy sagrea, & rehercea per
“ son bouche propre qil fuist sa volonte entier. Et
“ sur ceo, fust lue une bille fait per le Roy mesms,
“ & de sa volonte propre, de les nous des Seig-
“ nours qi seront de son conseil.” Afterwards the
privy counsellors are actually named in the bill;
and the lord chancellor, lord treasurer, privy seal,
and other great officers, are therein directed to act
nothing of importance, without the concurrent
advise of the rest of the council. “ Et qe billes
“ a endorser per le chambrelayn & lettres dessous
“ le signet de nostre dit Seignour le Roy a adressers
“ & autres mandements a doner as chancellor, tre-
“ forer & gardien du privee seal, & autres officiers
“ qeconques, desore en avant, en tielx causes come
“ desuis, feront endorsez ou faitz per advys du
“ conseil. Et qe les dits chancellor tresorer &

* Rot. Parl. 7 & 8 Hen. 4. N°. 31.

“ gardien du privee seale, & autres officiers, ne
 “ facent en tielx causes si non per advys du dit
 “ conseil.” The King goes on farther, and desires
 his own authority may be circumscribed in several
 points; and yet, when he made those concessions,
 he was neither in his nonage, nor did he doat, nor
 was he pressed by any insurrection of the people;
 and it is notorious, he neither wanted policy nor
 courage. But it is rather probable, that he thought
 it honest and wise, and no diminution to his ho-
 nour, to oblige that people with wholesome laws
 and good government, who had given him the
 crown, and who had been at such expences to sup-
 port his title.

Magnanimous Kings have not only been favourers
 of publick liberty, but they have likewise been
 frugal of the people's money, as appears in the
 instances of Henry the 1st, Henry the 2d, Edward
 the 1st, Henry the 4th, Henry the 5th, Henry the
 7th, and Queen Elizabeth; which shows how
 wrong their notion is, who think wise and thrifty
 Princes dangerous to the freedom of a country;
 whereas profuse Kings, such as John, Henry the
 3d, Edward and Richard the 2d, did not only
 waste the nation's treasure, but every one of them
 compelled the people to fight pitched battles, in
 defence of their civil rights.

Gallant Princes desire to make the people easy.
 Henry the 4th of France, our present King's great
 grandfather, said once, he hoped to order matters
 so, that every man in his kingdom should have a
 boiled capon to his dinner. None of the apothegms
 uttered by great men, and so much commended by
 the antients, could become the mouth of a King
 so well, as this noble and well-natured saying. It
 is probable, had he lived, he would have brought
 it about; which, if he could have done, it would

have been a nobler trophy to his fame, than all the victories he had obtained. The honour of a King consists chiefly in doing good to the universal body of his people, and the publick welfare is to weigh with him above all other respects. He is often to divest himself of the narrow thoughts which sway among private men; and he can hardly be a good ruler, unless he does now and then in his politick, what he would not do in his natural capacity. He is a person entrusted by the commonwealth, and what he acts in discharge of that trust, cannot be called dishonourable.

The Commons, in a Resumption made 1 Hen. 7. tell the King in their bill, “It is for his own fuerty, “honor and weal, and for the universal weal, ease, “rest, and fuerty of his land, the which he ought “to prefer before the favour of any person, or any “place, or other thing earthly.” The same words made a part of the preamble in most of the other bills of the like nature, by which it appears to have been the continued sense of our ancestors, that the reputation of a Prince was never injured by acts wherein the ease and relief of his people was consulted. It is true, such a minister as the chancellor de la Pool had other sentiments, and gave advice of another kind, being willing to countenance his own depredations by the example of others: such as, he may engage the King’s honour in the protection of their crimes, so to shelter themselves under his wings, and pretend things lessen his fame, which will only lessen their estates: but good ministers have always thought that nothing could more hurt the reputation of a Prince, than to be reduced by profusion to courses, by which his country must be oppressed with taxes. It was a common practice with the duke of Sully, to obstruct, and often to vacate his master’s gifts and grants; yet this great

man was sufficiently jealous of his Prince's fame. In Spain, Henry the Amirante, Pacieco d'Ascolone and Henry de la Fortuna, three grandees, had obtained of Ferdinand, each of them a million of livres of gold, charged on the revenue of Peru, and should have received it at the return of the plate-fleet; but cardinal * Ximenes utterly annulled those immoderate gifts, though de la Fortuna was the King's own kinsman, saying, "The revenue of
 " Princes, though great in itself, is always too little
 " for the necessities of the state." And notwithstanding the Spanish Punto of honour, we do not find this proceeding resented by King Ferdinand. Before his greatness was so established, seeing a very disadvantageous farm of the silks of Granada let for 10 years, by the advice of Don Manuel the treasurer, to which the King had consented, and which was offered at council to be sealed, he took the charter, and tore it publickly, (of which the pieces are kept among the records of Arcala, as a memorial of this minister's courage and integrity) saying, "Salto, Don Manuel, were you not my
 " very good friend, the King should cause your
 " head to be taken off: dare you make grants so
 " prejudicial to the state?" Nor did Philip the 1st take it ill, that his own, and his favourite's doings, were thus revoked.

We agree that Princes, in all their actions, are to consider Fame, because opinion is one of the main pillars to support their authority. But let any reasonable man answer, Is it not more glorious for a Prince to let the whole people under his reign enjoy ease and plenty, without new impositions and duties, than to enrich a few minions and favourites, with the spoils of a whole country? A Prince

* Bandier le ministere du Card. Ximenes.

thirsting after present or future renown, whose example would he desire to follow? That of Henry the 4th, who, by his frugality, brought the crown of France out of debt; or that of Henry the 3d, who harraßed his whole kingdom, to build up four or five great families, whereby he got no more than to leave behind him so many conspicuous monuments of his weakness.

No doubt, it has heretofore been thought injurious to the reputation of a Prince, to be urged by clamorous debts, to suffer many thousands of miserable persons to want what is their due; to have his troops unpaid, and his seamen in vast arrears, and to let his menial servants starve, first by retrenchments, and then by being without their settled wages and allowances.

These are truly blemishes upon a Prince's glory, and were represented as such by the Commons of England, assembled in parliament, 28 Hen. 6. when they made application, that these reflections might be taken away, and that these grievances might be redressed; and affirmed, at the same time, that they could not grant any aid, unless the King would actually resume what had been obtained from the crown by importunity or surprize, upon false suggestions, or by contrivance among the great ones.

Seldom any Prince has miscarried in his fame or fortune, who has constantly pursued the publick good, and who has directed all his counsels to his country's ease and benefit; but history is full of their troubles and disasters, who have obstinately adhered to a few, against the whole, and who have confined to particular objects that affection which ought to be extended to the universal body of their people.

What was done by Henry the 1st, Henry the 2d, and by that hero, Richard Cordelyon; what was

done by that conqueror of France, Henry the 5th; what that spirited and martial Prince, Edward the 4th, desired his parliament, in a speech from the throne, to put in execution, and which he thanked them afterwards for doing, can never be thought dishonourable in any other King; and among Englishmen, a Prince will never suffer in his present, or future renown, for treading in their steps, and following their examples.

And without doubt, these noble and warlike Princes did not think the regal power at all impaired, by giving way to the Resumptions which were made during their reigns; for in all these exercises of the legislative authority, Lords and Commons do but act subserviently under a King for his profit, which Grotius very finely thus illustrates: * “Multum falluntur qui existimant, cum
 “ Reges acta quædam sua nolunt rata esse, nisi a
 “ senatu, aut alio cœtu aliquo probentur, partiti-
 “ nem fieri potestatis: nam quæ acta eum in mo-
 “ dum rescinduntur, intelligi debent rescindi Regis
 “ ipsius imperio, qui eo modo sibi cavere voluit,
 “ ne quid fallaciter impetratum, pro vera ipsius
 “ voluntate haberetur.”

2dly, “What interest the people of England
 “ have in the lands granted away, and especially as
 “ to the forfeited estates in Ireland.” As to lands appertaining to the imperial crown of England, and of its ancient demesnes, it is not at all clear that they can be alienated, the fundamentals and general grounds of government considered. Grotius is directly of this sentiment. † “Patrimonium
 “ quoque populi, cujus fructus destinati sunt ad
 “ sustentanda reipublicæ aut regiæ dignitatis onera,

* Grotius de Jure Belli ac Pacis, l. 1. cap. 3. N°. 18.

† Lib. 2. cap. 6. N°. 11.

“ a Regibus

“ a Regibus alienari, nec in totum nec in partem
“ potest. Nam & in hoc jus majus fructuario non
“ habent.” And to fortify his own opinion, he
produces very many great authorities. But we
shall take notice of some he has not mentioned.
Hotman is clearly of opinion, that the Kings of
France could not alienate the demesnes of the crown.

* “ Itaque anno cio ccc xcix. cū Rex Carolus
“ comiti sampaulino particulam quandam sui do-
“ manii donasset, senatus Parisiensis pro vetere
“ veteris trium statuum parlamenti jure intercessit:
“ ac pronuntiavit, regii dominiū diminutionem
“ nullius esse momenti, nisi cujus auctor senatus
“ ille Parisiensis fuisset: quod decretum Paponius
“ inter arresta sua retulit, lib. 5. tit. 10. ubi alia
“ complura generis ejusdem senatus consulta com-
“ memorat.” And a little lower, “ Quæ sanè
“ lex reipublicæ per quam utilis est ad regii do-
“ minii conservationem. Quia tum demum ad
“ tributa & indictiones extraordinarias, quibus
“ plebs oneratur, decurri tanquam ad subsidium
“ solet, cum illud dominium regium exhaustum est.”

And again, † “ Jus Regum Francorum ita consti-
“ tutum est, ut non infinitam & immensam regno
“ atque imperio suo abutendi potestatem haberent,
“ non regni patrimonium insanis largitionibus &
“ donationibus immodicis prodigorum instar dissi-
“ parent, sed ut patriæ ac populorum suorum sa-
“ lutem fidei suæ creditam incolumem servarent,
“ neque ulla ex parte rempublicam sibi commissam
“ violarent: denique ut sanctissimum illud M.
“ Tullii præceptum servarent, ut tutelam sic pro-
“ curationem reip. ad utilitatem eorum, qui com-
“ missi sunt, non ad eorum quibus commissa est,
“ gerendam esse.”

* Hotman de Jur. Reg. Gall. t. 3. coll. 139.

† Col. 140.

But, as we have noted in the precedent section, this point is become more doubtful, since the late act for declaring the rights and liberties of the subject; which act absolutely condemns those clauses of Non obstante, whereby these alienations were formerly supported; and such clauses being condemned, there are strong reasons to think, that the act 11 Hen. 4. which clearly prohibits such grants, is now returned to its first force and vigour. However, let this matter stand as it will, we shall probably make it appear, that the lands in Ireland (which the people of England have, within a few years, re-purchased with so much blood and treasure) are quite upon another foot.

Grotius affirms, it is the law of nations, “Ex jure gentium,” That the lands of the vanquished should go to the conquering people. * “Ex quo gentium jure Scipio agit cum Masinissa apud Livium: Syphax populi Romani auspiciis victus captusque est. Itaque ipse conjux, regnum, ager, oppida, homines qui incolunt, quicquid denique Syphacis fuit, præda populi Romani est.” What he terms the law of nations, is all the highest result of reason; for is it not just, that what is gained at their expence, should belong to them? Hotman, putting the case how it should be, if the lands to be given away are newly conquered, says, † “Restat pars ultima, cum armis & bello regnum quæsitum est. Nam cum armis Principis partum atque in ejus ditionem redactum sit, consentaneum videtur, ut de eo statuere arbitrato suo possit. Sed cum eam ditionem solus ac per se non adquesierit, sed civium suorum sanguine, laboribus periculis, non alienum videtur regulam

* Lib. 3. cap. 6. N°. 10.

† Hotman. Quæst. Illust. t. 1. col. 850.

“ juris civilis sequi, ut quod communibus multo-
“ rum laboribus quæsitum est, non nisi communi
“ eorum consilio & consensu alienari possit.”

The Romans were so strict in this point, that to intercept any spoils gotten in war, was accounted robbing the publick. Modestinus the lawyer says,

* “ Is qui prædam ab hostibus furripuit peculatus
“ tenetur.”

Gellius takes notice, that Cato, in an oration he spoke concerning spoils, complained, in vehement words, † That poor thieves were manacled in fetters, but that the publick robbers shined in gold and rich attire. “ Fures privatorum furtorum

“ in nervo atque compedibus ætatem agunt, fures
“ publici in auro atque purpura.”

Indeed, if a Prince makes the war at his own single charge, (as Grotius observes in another place) ‡ “ Fieri potuit

“ ut Rex ex sua privata substantia exercitum
“ aluerit.” In such a case, he alone will have a right to the conquered country.

And this is so true, that if William the Norman had been able, by his own strength, and at his particular expences, to have made the conquest of England, according to the law of nations, he must have had this kingdom in patrimonio, with as absolute dominion in it as the eastern Princes can pretend to.

But the case being quite otherwise, and he not able to bear the whole charge, he took to his assistance several barons of his own dukedom, and some great men of other countries, who were joined with him in the adventure, to whom, as the recompence of their service, he first promised, and afterwards made sundry concessions, and granted many

* Lex penult. digest. ad leg. Jul. Peculat.

† Gellius, lib. 11. cap. 13.

‡ Lib. 1. cap. 3. N^o. 11.

privileges:

privileges: but still, with all this assistance, he could not quite subdue the natives, with whom he was compelled to make compacts; from which concessions and compacts, it comes, that we continue still to be a free people, notwithstanding this pretended conquest.

In the same manner, if Henry the 2d had conquered Ireland, with only the revenues of the crown, without any aids from his people, that kingdom had been his own, "*pleno jure*," as the Civilians call it; and he might have disposed of it at his own will and pleasure: for, as Aristotle says, "*Lex est veluti pactum quoddam commune quo bello capta capientium fiunt.*" Nor is it a thing at all strange, for a Prince to hold different kingdoms by different titles, and to govern them by different methods; in one he may be absolute, according to the ancient constitution of the country; in another, his power may be circumscribed and limited by law: one kingdom he may hold by election, and another by the right of succession. He may have a kingdom of his own acquisition, which shall be as it were his own private patrimony.

* "*A Principibus aliquando regna vel territoria pleno jure habentur, ita Strabo tradit Cytheram, insulam Tænaro adjacentem, fuisse Euriclis Lacedæmoniorum Principis, privato ipsius jure.*"

And the same right would Henry the 2d have had in Ireland, if he had made the acquisition by his own sword and bow, and by troops paid out of his own purse; but because the kingdom was conquered at the general expence of England, the commonwealth here has always took itself to have an interest to bind that kingdom by laws, to inquire into the administration of it, as parliaments have

* *De Jure inter Gentes*, p. 1. sect. 3. R. Z.

several times done, and to extend the acts of re-
sumption as well to Ireland as to England, con-
stantly believing that island to have been an acqui-
sition to the crown, not of any King's own mak-
ing, but purchased with the labour and blood, and
at the common expence of this nation, which, in
several expeditions and wars, to quiet 52 rebellions,
has expended five times more treasure than the fee
simple of all Ireland is worth.

The writer of these papers is not at all afraid or
ashamed to offer at accounts, though a certain per-
son did please to say, (but without any proof then
or afterwards) that in one computation we were
mistaken 20 millions.

An Account of the Expences for the Reduction
of Ireland.

	l.	s.	d.
Issued from the Exchequer, and wholly applied to the Irish service, to Jan. 25, 1694-5.	3,388,672	5	3
Arrears due to the Irish army, to March 31, 1692, about	190,000	0	0
To the Irish transports, about	350,000	0	0
For the service of the ordinance, on account of the train that attended the Irish army, com- puted at about 80,000 l. per ann. for two years and a half	200,000	0	0
Besides which, there was received by us of the Irish revenue	177,020	15	5
By poundage and days pay, and profits by guineas, about	70,000	0	0
By quarters in Ireland, about	140,000	0	0
So that the reduction of the Irish stood both nations in about	4,515,693	0	8

The

The people's right to the forfeited estates in Ireland, to dispose of them in parliament, either for the service of the current year, instead of a land-tax, or to make them a fund towards paying off the deficiencies, is grounded upon this sum of 4 millions, which has been levied in England, and expended upon that war.

Where the honour of the Prince, and the honour or interest of the nation are concerned against a foreign enemy, most certainly we are to give necessary aids and subsidies, without prospect of reaping any other fruit from our expences than fame and safety; but when England has to do with its own subjects, and that they can be brought to pay part of the reckoning, it would be very hard if all this should be intercepted from the Publick, and that we should waste our blood and treasure only to enrich a few private persons.

From the time of Henry the 2d, Ireland has almost constantly been made to contribute something towards its conquest or reduction. In the very beginning, viz. anno 1170, * part of its lands were given to the adventurers, Robert Fitz Stephen, and Maurice Fitz Gerald, David Barry, Hervy de Monte Marisco, William Nott, Maurice de Prendregast, Meyler, Richard Strongbowe, earl of Chepstow, and others. And, anno 1172, another adventure was set a-foot, and a new partition of lands was made, and King Henry the 2d stands himself in the front of the adventurers, with Hugo de Lacy, William Fitz Adelm, Humphrey de Bohun, Sylvester Giraldus, Cambrensis, who was tutor to the young King John, and others †. In the distribution of these lands, the service of so

* Vide Dr. Hanmer, fol. 136.

† Vide Rogerus Hovedon,

many knights was reserved to the King in the grant of each estate. Hugo de Lacy, lord lieutenant, sold several estates there, which sales Philip of Worcester, his successor, revoked. * “Nec mora revocato Hugone de Lacy, Philippus Wigorniensis, vir militaris dapilis & liberalis: circa cal. Septemb. cum militibus XL. Procurator est in insulam transmissus. Inter ipsa igitur operum suorum initialia terras, quas Hugo de Lacy alienaverit, terram, viz. Ocathesi, & alias quam plures ad regiam mensam cum omni sollicitudine revocavit.”

The writer of these papers has not leisure to inquire into the particulars, but, according to the best of his remembrance, a distribution of lands was made to adventurers, concerned in suppressing the insurrections which the Irish made during the reign of Queen Elizabeth. And most certainly, the war England had with that kingdom in the reign of Charles the 1st, was in a great measure carried on by money subscribed here, with a view, that the subscribers should have the lands conquered and forfeited, which afterward partly they had, and the rest was divided among the soldiers, in satisfaction of their debentures.

In our present case, the war was not either begun or carried on at the expence of any single person, or private men, but at the common charges of the whole nation; therefore, in reason and justice, the people of England ought here to be looked upon as the general adventurers: that the 4 millions levied and expended, is their adventure, of which the forfeited estates ought to be the return; and if any thing considerable can be made of them, it ought to go towards easing England in its taxes.

* Giraldus Cambrensis, cap. 24.

But there is a strong reason of state, why the lands of Ireland, in cases of rebellion, should never be granted away, but be either distributed among adventurers, or sold towards defraying the charges of the war; for if England is to be at all the expence, and courtiers are to go away with all the profit, how do we know, but that hereafter, for their own gain, they may purposely and advisedly encourage and foment rebellions there? 1,400,000*l.* once in 30 or 40 years, to be shared among them, would be a very fine crop for the men in business. But probably the ministers, in future ages, will be watchful over that kingdom, and suppress an insurrection by times, (when it may be done for a less sum than 4 millions, and perhaps with 3 or 4000 men) nor, in all likelihood, will they so notoriously neglect a matter of that importance, when they are to reap to themselves no advantage by such a negligence.

Some will pretend, the Prince has more power to alienate what comes to him by forfeiture, than to part with the revenues of the crown, reckoning forfeitures to be "*in fructu patrimonii Principis;*" according to this of Grotius, * "*Sed in eo falluntur multi, quod res quæ in fructu sunt patrimonii cum rebus patrimonii confundant. Sic jus alluvionum in patrimonio esse solet, ipsæ res quas fecit alluvio in fructu: jus vectigalia ex gendi in patrimonio, pecunia ex vectigalibus procedens in fructu: jus confiscandi in patrimonio, fundi confiscati in fructu.*" All which is right, if rightly distinguished. No doubt, it is not only legal, but for the good of any government, that common confiscations should be at the disposal of the Prince, that he may have an opportunity of

* *De Jure Belli ac Pacis*, lib. 2. cap. 6. N^o. 12.

extending his mercy to the children or relations of the delinquent: besides, in common confiscations, the traitor is prosecuted and brought to punishment at the King's sole expence. But the case is quite otherwise when a whole nation rebels, and when that rebellion is to be suppressed at the infinite expences of the people, it seems rather, that what accrues thus to the Prince and people (for they always have, or should have a joint interest) ought to be more sacredly devoted to publick uses than any other thing, because it is the price of blood.

We have perhaps made it appear, that the people have some interest in the publick revenues: we shall therefore examine, whether this right is any way lost or lapsed, for want of putting in a claim. If the nation had sate still while these grants were making, and done nothing which looked like a protest against it, peradventure it had been such an abandoning or dereliction of the matter, as in some sort might have transferred the dominion of the things in question to the present possessors. * “Qui sciens & præsens tacet, videtur consentire.” But the case is quite otherwise here. The parliament has very early desired, that the forfeitures both in England and Ireland might be appropriated to the uses of the war, and those desires have been earnestly and frequently repeated. And because it tends much to the clearing of our present point, we shall so far trespass upon the reader's patience, as to give a brief account of what has been from time to time done in parliament in relation to this affair.

The sessions, 2 Gul. & Mar. began 2 Octob. 1690.

† Veneris 17 die Oct. The House resolved itself into a committee of the whole house, to consider

* Grotius de Jure Belli ac Pacis, l. 2. c. 4. No. 5.

† Journals, vol. x. p. 445.

farther of ways and means for the raising of supplies to be granted to their Majesties. Mr. Solicitor general reports from the committee the following resolution :

Resolved, that it is the opinion of this committee, that, towards the raising the supplies to be granted to their Majesties, the sum of 1,000,000 l. be raised upon the credit, or by sale of the forfeited estates in Ireland.

The resolution being read a second time,

Resolved, *Nemine contradicente*, that this House doth agree with the committee in the said resolution.

Lunæ 20 die Oct. 1690. Resolved, that an humble address be made to his Majesty, that he will please to command the commissioners in Ireland to make a return to his Majesty of the names of the persons in rebellion in Ireland, and of their estates, and the yearly value thereof, and that his Majesty will graciously please to order the same to be transmitted to this House. Sir Thomas Clarges reported the address; an amendment was made; and, upon the question to agree in the address, it passed in the negative.

Mercurii 22 die Oct. 1690. Resolved, that a bill be brought in upon the debate of the House for attainting the persons that are, or have been in rebellion in England, or Ireland, and for confiscating their estates, and for applying the same to bear the charges of the war.

Martis 2 die Dec. 1690. The said bill was read a first time. Sir Richard Reignolds presented the bill.

Jovis 4 die Dec. 1690. The said bill was read a second time, and the same day the House resolved

* Journals, vol. x. p. 491.

itself into a committee of the whole House, to consider of the said bill.

Veneris 19 die Dec. 1690. Mr. Solicitor-general reported the bill. Resolved, nemine contradicente, that the said bill, with the amendments, be engrossed.

Martis 23 die Dec. 1690. Resolved, the said bill do pass, and that Mr. Solicitor-general carry it to the Lords.

Mercurii 31 die Dec. 1690. Ordered, that a message be sent to the Lords, to put them in mind of the said bill, and that Sir Robert Rich do carry the said message.

The bill fell in the House of Lords, by reason of the shortness of the session; for, on the 5th of January, the parliament was adjourned to the 31st of March, and so, by short adjournments, till the following year, and by prorogation, Martis 26 Maii. But before the recess, his Majesty was graciously pleased, in his speech to both Houses, on the 5th of January, to say as follows: * “—And
“ I do likewise think it proper to assure you, that
“ I shall not make any grant of the forfeited lands
“ in England or Ireland, till there be another opportunity of settling that matter in parliament,
“ in such manner as shall be thought most expedient.”

The following sessions began Jovis 22 die Oct. 1691.

Sabbati 16 die Jan. 1691. Ordered, that leave be given to bring in a bill to vest the forfeited estates in Ireland in their Majesties, to be applied to the uses of the war.

Ordered, that leave be given to bring in a bill for vesting the forfeited estates in England in their Majesties, to be applied to the uses of the war; and it is referred to Sir Walter Young, Mr. Smith, &c.

* Journals, vol. x. p. 536.

Sabbati 23 die Jan. 1691. Mr. Smith presented the two bills.

Martis 26 die Jan. 1691. Each of the bills were read a first time, and ordered a second reading.

Jovis 28 die Jan. 1691. Each of the said bills were read a second time, and committed to a committee of the whole House.

Lunæ 1 die Feb. 1691. The House resolved itself into a committee of the whole House, &c. Mr. Palmes reported from the committee, that they had gone through the bill for vesting the forfeited estates in England, and had made some progress in the bill relating to Ireland.

Jovis 4 die Feb. 1691. Mr. Palmes reported the amendments made by the committee to the bill for vesting the forfeited estates in England, &c. which were read, and agreed to by the House.

Several clauses or savings were offered and agreed to. Among the rest, that nothing in the bill contained, should extend to grants made to the earls of Monmouth and Torrington.

Ordered, that the bill, with the amendments, be engrossed. Mr. Palmes also reported the amendments to the bill for vesting the forfeited estates in Ireland.

Veneris 5 die Feb. 1691. The House proceeded to take into consideration the report of the amendments to the said bill, and several of them were read a second time, and agreed to, &c.

Martis 9 die Feb. 1691. The House proceeded in the further consideration of the report, &c.

A clause was offered for their Majesties, to grant to any person or persons, as a reward for their services, any of the lands and hereditaments vested in their Majesties, by virtue of this act, so as such lands and hereditaments do not exceed one third part of the whole, in value of the whole lands, tenements,

tenements, and hereditaments so vested in their Majesties, to any such person or persons, as a reward for his or their service.

A clause offered, that it should be lawful for their Majesties to grant to James duke of Ormond, and his heirs, any of the forfeitures made by this act, or any other means within, or on any the estate or estates of the said duke.

Twice read and agreed to.

Other clauses read and agreed to. Ordered, that the bill, with the amendments, be engrossed.

Veneris 12 die Feb. 1691. An engrossed bill for vesting the forfeited estates in England in their Majesties, to the use of the war, was read the third time.

Riders offered and agreed to. Resolved, that the bill do pass.

Ordered, that Mr. Palmes do carry the bill to the Lords, and desire their concurrence.

An engrossed bill for vesting the forfeited estates in Ireland in their Majesties, to be applied to the use of the war, was read the third time.

Several riders presented and agreed to. Resolved, that the bill do pass.

Ordered, that Mr. Palmes do carry the bill to the Lords for their concurrence.

Note.] In the bill relating to the Irish forfeitures, there was reserved to their Majesties one third part of the forfeitures, to be disposed and given to such military officers and soldiers as their Majesties should think fit, who actually served in the wars in Ireland, in person there, and to no other person or persons whatsoever.

During this sessions, proposals were offered for raising money upon the forfeited estates.

Veneris, Jan. 1, 1691. Resolved, that a committee be appointed to receive proposals for raising money

money upon the forfeited estates in Ireland, and it is referred to Mr. Smith, Mr. Bathunt, &c.

Martis 26 die Jan. 1691. Ordered, that the committee, to whom it was referred to receive proposals for raising of money upon the forfeited estates in Ireland, be impowered to inquire into the disposal of forfeited estates there.

Sabb. 13 die Feb. 1691. Ordered, that the report of the committee appointed to receive proposals, &c. be made upon Monday morning next.

Mercurii 17 die Feb. 1691. The said report was made. It is very long, but well worth the perusal of all members, and is to be found in the journal of 1691.*

What passed in 1690, and 1691, is a sufficient indication that the people of England had no mind this matter should sleep.

The next year, viz. 1692-3, we may say a claim to these estates was continued, and kept afoot, by an humble address from the House of Commons to the throne, Sabbati 4 die Martii 1692-3, † where, among other things, it is thus prayed.

And forasmuch as the reducing of Ireland hath been of great expence to this kingdom, we humbly beseech your Majesty, that, according to the assurance your Majesty hath been pleased to give us, no grant may be made of the forfeited estates in Ireland, till there be an opportunity of settling that matter in parliament, in such manner as shall be thought most expedient.

That a true account of the escheats and forfeited estates, both real and personal, and stores left by the late King James, may be laid before your Commons in parliament assembled, to the end that the said escheats, forfeitures, and stores, and the embezzlement thereof, may be inquired into.

* Vol. x. p. 673.

† Vol. x. p. 843.

Veneris 10 die Martii 1692-3. To this address his Majesty was graciously pleased to give the following answer.

“ Gentlemen,

“ I shall always have great consideration of
“ what comes from the House of Commons, and
“ I shall take great care that what is amiss shall be
“ remedied.”

The year following, the matter was again revived, and other bills brought in of the same purport with the former.

* Veneris 12 die Jan. 1693. Ordered, that a bill be brought in to vest the forfeited estates in Ireland in their Majesties, to be applied to the use of the war. Referred to Sir Edward Seymour, Sir Christopher Musgrave, &c.

The like order for the forfeited estates in England.

Mercur. 24 die Jan. 1693. The honourable Henry Boyle, Esq; according to order, presented to the House a bill to vest the forfeited estates in Ireland in their Majesties, to be applied to the use of the war. And also,

A bill to vest the forfeited estates in England in their Majesties, to be applied to the use of the war; and the same were read.

Sabbati 3 die Feb. 1693. A bill for vesting the forfeited estates in Ireland, &c. was read the second time.

Resolved, that the bill be committed to a committee of the whole House.

Martis 27 die Feb. 1693. The House resolved itself into a committee of the whole House, to consider of the bill for vesting the forfeited estates in Ireland, &c.

* Vol. xi. p. 58.

Mr. Boyle reported from the committee, that they had made some progress, &c. and desired leave to sit again.

Jovis 15 Mar. The House resolved itself into a committee of the whole House, to consider further of the said bill.

Mr. Boyle reported from the committee, that they had made a farther progress, &c. and desired leave to sit again.

This session, a committee was likewise appointed to receive proposals concerning these forfeitures.

Veneris 12 die Jan. 1693. Sir Rowland Gwyn reports from the committee appointed to receive proposals concerning the forfeitures in Ireland, and likewise for securing the protestant interest there.

The proposals received by the committee may be seen in the journals of that year.*

Dec. 3, 1694. A bill was presented to the House by Mr. Bridges, to vest the forfeited estates in Ireland in their Majesties, read. And read again a second time, 10 die Decem. 1694.

Anno 1695. A bill was presented to the House, to vest in the crown all forfeited estates in Ireland; and to vacate all grants made thereof. 11 die Feb. 1695. Lecta 1 vice.

Anno 1695. A bill was presented to the House by Sir Richard Onslow, to vest in the crown all forfeited estates in England, and to vacate all grants made thereof. 11 die Feb. 1695. Lecta 1 vice.

A bill ordered in, to vest the forfeited estates in Ireland in their Majesties, to be applied to the use of the war.—Referred to Sir Edward Seymour, &c.

Anno 1697. A bill was presented by Mr. Harcourt, for vacating all grants of estates, and other interests in England and Ireland, from the crown,

during the reign of the late King Charles the 2d; and for appropriating the same to the use of the publick. 12 die Feb. 1697. Lecta 1 vice. 25 die Feb. 1697. Lecta 2 vice.

Anno ditto. A bill was presented by Mr. Harcourt, for vacating all grants of estates, and other interests in England and Ireland, from the crown, since the 13th day of February, 1688, and for appropriating the same to the use of the publick. 12 die Feb. 1697. Lecta 1 vice. 25 die Feb. 1697. Lecta 2 vice.

Anno ditto. A bill was presented by Mr. Harcourt, for vacating all grants of estates, and other interests forfeited in Ireland, since the 13th of February 1688; and for appropriating the same to the use of the publick. 9 die Feb. 1697. Lecta 1 vice. 12 die Feb. 1697. Lecta 2 vice.

Anno 1698. 9 die Maii. A bill was presented by Mr. Lowndes, for granting an aid to his Majesty by an imposition upon beneficial grants, and other things therein mentioned. 10 die Maii lecta 1 vice. 11 die Maii lecta 2 vice.

Thus we have shewn a continued series (the year 1696 excepted) of bills or addresses from year to year, relating to this matter; so that if the people of England have any right or interest in these lands and forfeitures, it has not been lost or lapsed for want of putting in their claim.

3dly, "How far, in an act of resumption, it is just and reasonable to look backwards."

In matters of government, it is generally the safest course to tread in the steps of our ancestors, were it only for this single reason, that it is returning so far towards our ancient constitution, which all sides will agree to have been formed with admirable gravity and wisdom. In the present question, we shall therefore see (as far as we can find in old

histories, or in the records) how our forefathers proceeded in acts of the like nature, for which we have recited our authorities in the third section.

Henry the 1st resumed such lands as his brother duke Robert, who was an easy Prince, had bestowed in Normandy upon undeserving persons. But we do not find he touched upon any thing that had been done by his father, or by William Rufus.

Stephen was pressed by the nation, as well as by Henry Fitz Empress, to resume only his own grants.

Henry the 2d resumed the grants of Stephen, but the matter had been agreed upon in the preceeding reign.

Richard the 1st did only resume the alienations he himself had made.

Henry the 3d was persuaded by his barons to resume what had been granted away by King John, his father; a Prince so profuse, that in a manner he had quite undone the nation.

The resumption made by Edward the 2d, had relation only to what was done in his own reign.

In the reign of Richard the 2d, the Commons indeed pray, that the gifts of Edward the 3d to unworthy persons might be looked into, which perhaps was done in respect of the dotage and weakness this great Prince fell into the last ten years of his life. But what had been worthily bestowed, was to be confirmed.

In the reign of Henry the 4th, the petition of the Commons was, that the resumption might look as far backward as the 40th of Edward the 3d; and therefore we see it came to nothing, and only ended in taking the profits of all the lands and pensions granted for one year.

The resumptions made in the reign of Henry the 6th, extended only to the first day of his coming to the crown.

It

It is true, the Commons, in their petition to Edward the 4th, pray that the resumption might extend to the reigns of all the three Henries, and the act passed accordingly: but we may plainly see, this was chiefly done to condemn their titles to the crown; and the resumption retrospecting so far, was found so impracticable, that in the 3d and 4th of his reign, a new act became necessary, which looked no further backward than the 4th of March, in the first year of his own reign.

The resumption made by Henry the 7th does indeed look as far backward as 34 Hen. 6. and so takes in the grants of Richard the 3d and Edward the 4th. But because there passed four several acts of the same nature in the reign of Edward, we may presume, that this long retrospect could not affect any considerable number of families, and that it was chiefly levelled at those, who, by power and interest in Edward's reign, still kept the crownlands, and who, perhaps, by new grants from Edward and Richard, had defeated the intentions of former parliaments.

The reader may see, that in these resumptions, most of the precedents reach only to the present, or to the reign immediately preceeding, which is consonant to the laws of all nations, that have prefixed some limited time, after which men should think themselves safe and quiet in their possessions.

They without doors, who have desired that the forfeited estates of Ireland might not be looked into, have endeavoured to obstruct the good intentions of the parliament, by crying, "We are
" willing to resume, provided you will go far
" enough backwards: we shall join in it, if you
" will take in all the grants since the restoration of
" King Charles the second." But few are so short-sighted, as not to see into this artifice: such as are
for

for making their resumption so large, desire none at all, and would engage a great many different titles to oppose it.

If it could possibly consist with the rules of justice, if to do so would not produce unspeakable disorders, if it would not utterly ruin a great number of families; no doubt, the publick labouring under so many debts and difficulties, such a general resumption would be advisable; all which are strong objections to the making it so extensive.

To which may be answered, that the same inconveniencies will happen by resuming the Irish forfeitures; we shall therefore try to shew how the cases differ.

But, to clear these points, we must repeat some things that have been laid down in the foregoing part of this discourse.

That the Kings of this realm have always prescribed a power of alienating the crown-revenue by their great seals.

That it would not have been convenient, in the beginning of this constitution, to have bound up the Prince's hands from all kind of alienations; for then, by forfeitures and attainders, in process of time, the King would have been lord of the whole soil.

That however parliaments, by petitions, bills, or acts of resumption, have all along laid in a claim of the people's interest in this revenue, especially when the grants were become exorbitant.

That the wastes committed upon the crown-revenue produced at last [viz. 11 Hen. 4.] a positive law, prohibiting these sort of alienations.

That the force of the law was evaded by clauses of Non obstante inserted in the letters patents.

That these clauses seem condemned by the late act for declaring the rights and liberties of the subjects.

When

When King Charles the 2d came in, the doctrine of the court was, "Sow a little, that you may reap much;" and they who were then entrusted with the nation's purse, were themselves for diving into the Prince's pocket. And, at the same time, the doctrine of Westminster-hall was, to advance the prerogative as high as possible. Thus the King was persuaded to give away the greatest part of his crown lands; and, by the proceedings of Westminster-hall, the people were encouraged to think such grants were good in law. the courtier begged, and the citizen bought, so that immediately he was in a manner divested of all; and yet they who had suffered for him and his father, were few of them the better for all this immoderate bounty.

These liberalities of his were not bestowed as the recompence of ancient merit, but were often the price of treachery, and the rewards of vice. And, as Cyrus observed, that in camps, the most worthless soldiers are the busiest to get plunder; so the same thing may be said of a court exposed to spoil; the worst men in it are the most ravenous, and generally make the best advantages.

The observation we have now made did apparently hold true as to King Charles's court: however, ill-gotten goods seldom thrive, and very little of what was thus obtained remains with the first possessors, but is now dispersed into a multitude of hands.

Though what he did was so prejudicial to the crown, yet such was then the flourishing condition of our affairs, that we could bear a great deal of ill management. Besides, some were glad enough to see a young Prince necessitated to depend upon his people, who was apprehended to meditate arbitrary power. But whatever governed the councils of those times, certain it is, that there was no actual bar put in the way of his destructive bounty.

It

It is true (as we have noted in the third section) it was complained of, but all ended in an address, which had very little in it of the spirit which our ancestors had shewn upon the like occasions.

Leave was given, at the beginning of that reign, to bring in a bill of resumption; a bill was twice read, to regulate and restrain such alienations, and an address was thereupon made; but no consequence following upon all this, the people of England had reason to believe that the parliament acquiesced in what was done at court.

The matter did not only sleep then, but was not, as we can find, afterwards revived; and, for many years, it was hardly mentioned in the House of Commons, insomuch that estates, though so newly derived from the crown, came, in a short space of time, to bear almost an equal value with any other sort of land.

But if, as in ancient times, such a proceeding of the court had been complained of from sessions to sessions; if, as heretofore, the ministers that procured the grants had been impeached; if bills of resumption had been frequently offered, though rejected, such motions would have been some warning to the nation; the purchasers would have looked about them; every man must have known the hazard he was to undergo; and he can only accuse himself, who will run into it, when beforehand he is acquainted with the danger.

But the legislative authority continuing so long silent in the matter, and the lawyers of those times making no objection to titles of this sort, depending upon their “*Ex certa scientia, mero motu & gratia speciali*,” and yet more upon their clauses of *Non obstante*, the people were induced to think they might as safely make these as any other sort of purchases.

Hence

Hence it was, that what belonged to the crown but so lately, came to be a matter of publick traffick among the people, infomuch, that the whole fortune of very many families is therein embarked.

What Cato said is indeed true, if rightly distinguished, that there ought to be no prescription against the publick. * “Nec mortales contra
“Deum immortalem, nec privatos contra rem-
“publicam præscribere posse.” This holds, without doubt, when private men get fraudulently, or by force, into possession of what belongs to the publick, and at the beginning were “possessores
“mala fide,” which length of time ought not to purge. But in a mixed government, if one part of the state suffers the other part to alienate what the whole have an interest in, and if the said part had power and opportunity to make an opposition, and yet made none, it implies such a consent, as, according to the law of nations, and the rules of justice, ought to indemnify to all intents and purposes the possessor, bona fide, and the purchaser, upon a valuable consideration. Grotius, speaking upon alienations, says, † “Inconsulto vero populo
“Rex id non potest, si maneamus inter terminos
“naturales : quia juris temporarii, quale est reg-
“num electorum, aut lege succedentium ad impe-
“rium, effectus nisi temporarii esse non possunt :
“potuit tamen populi, ut expressus consensus, ita
“tacitus consuetudine introductus qualem nunc
“passim vigere cernimus, id jus Regibus tribuere.” And a little before ; ‡ “Subscribere non possumus
“jurisconsultis, qui ad regulam de non alienandis
“imperii partibus, adjiciunt exceptiones duas, de

* Plut. vit. Cat.

† De Jure Belli ac Pacis, l. 2. cap. 6. N^o. 10.

‡ Ibid. No. 8.

“ publica

“ publica utilitate, & de necessitate: nisi hoc
 “ sensu, ut ubi eadem est utilitas communis & cor-
 “ poris & partis, facile ex silentio, etiam non longi
 “ temporis, consensus & populi & partis inter-
 “ venisse videatur, facilius vero si etiam necessitas
 “ appareat. At ubi manifesta est in contrarium
 “ voluntas aut corporis, aut partis nihil actum
 “ debet intelligi.” And a little lower he says,
 * “ Nec admitto exceptionem, si res modicum
 “ valeat quia quod meum non est, ejus nec exi-
 “ guam partem alienare mihi jus est: sed in rebus
 “ modicis quam in magnis consensus populi ex sci-
 “ entia, & ex silentio facilius præsumitur.”

So that this great civilian is of opinion, that the acquiescence and long silence of one of the constituent parts of a state, is in a manner an approbation of what the other does.

No doubt, the people, by their representatives, have a right to complain when they see that wasted which must be supplied out of their purses; and they have a right to propose resumptions when they become of absolute necessity. But this right they may suspend for a season, “ & pro hac vice,” renounce. † “ Venit enim hoc non ex jure civili, “ sed ex jure naturali, quo quisque suum potest “ abdicare.”

No doubt, the people may lay claim to what the whole has an interest in, to wit, the publick revenues; but this claim ought to be made within some moderate compass of time, so as not to produce any distraction or disturbance in men's titles and possessions; for otherwise such a claim will occasion more disorders than it can propose to remedy.

But when it has been forborn too long, and when the people have been suffered to imagine, that the

* De Jure Belli ac Pacis, l. 2. cap. 6. No. 11.

† Ibid. cap. 4. No. 4.

circumstances of the time admitted of such a profusion, or that their representatives have acted upon some reason of state, and that they did not resume, because it was better these estates of the crown should be in private hands: when the silence of those who had right to complain seems to have justified such proceedings; and when, upon all these presumptions, private men have gone on for many years to buy and sell in the way of their common business, to come afterwards with Cato's rule, and say, "There is no prescribing against the publick," would be unjust and dangerous.

Sylla made strange alterations in the state of Rome, in its governments, magistracies, and also in the properties of men; however, the senate had submitted, and in a tract of time, the people were accustomed to these establishments; but Catiline and his accomplices, not out of love to the commonwealth, (as * Plutarch notes) and rather to innovate in things, and to find matter for civil war, would change what was already fixed; but Cicero, and the best citizens of Rome, thought the mischief had taken too deep a root; that to alter what had been done some years before, and which concerned so many, would alarm and affect too great a number of persons; therefore the good patriots of that age would not consent to break into the acts of Sylla.

In the same manner most certainly King Charles acted against the trust of his high office, in permitting such a spoil to be made of his and the nation's revenue; but no good man who loves the peace and quiet of his country, would desire to unravel what has been done so many years ago, and in which so many thousands are concerned. The

* Vit. Cic.

evil is grown too big for correction; it is like a disease which is become in a manner part of the constitution, of which to attempt the cure would be to kill the patient. They whose duty it was to take care of the body politick, have suffered the distemper to proceed too far. By the negligence of the state, which, for 40 years together, has let this matter go on without check and inquiry, most of those who are in possession of grants from King Charles, are now possessors bona fide, and purchasers upon a valuable consideration. Were they now in the possession of those who had first procured the grants, do doubt, according to the constitution of this kingdom, they might justly be resumed. But the case is notoriously quite otherwise; in the space of 40 years, most of those estates have been sold over and over, and, from time to time, have passed through so many hands, that a resumption from the 1st day of his reign (as they propose who would load this matter, to perplex and defeat it) cannot be made without breaking into so many private contracts, marriage-settlements, jointures, mortgages, and sales, for valuable consideration, that there is hardly any tax which probably the people of England would not consent to, rather than bring so vast a disorder and ruin upon such a number of private families.

From what has been here laid down, it will appear to any disinterested reader, that King Charles's grants, and those lately made, do not stand upon the same foot, and that the cases differ in many and very material circumstances.

1st, The law is perhaps otherwise now than the common and received practice of it then was; but, as we have before said, it is submitted to the gentlemen of the long robe to determine in that point.

2dly, What King Charles had done was winked at, because the flourishing trade, wealth of the
2 nation,

nation, and its long peace, might bear such gifts, which were not to be supplied by new and heavy taxes. But our present condition is not the same; there was not then raised upon the people quite 2 millions per ann. England, of late, has paid, and for some time to come will pay, at least 5 millions per ann. The publick had not then been exhausted, and was not in debt: we have, in 10 years, actually levied 30 millions, and still owe near 20 millions, above 4 of which are not yet provided for.

3dly, The nation seemed to acquiesce in what King Charles had done; for though something was moved at first to restrain and regulate alienations from the crown, the matter had little progress, and afterwards we have not heard it was pushed on with any vigour; the claim was not so strongly made, as, by the rules of justice, to take away from the possessors any pretences to prescription. But, in our present case, a solemn assurance has been given from the throne, “ That no grant
“ should be made of the forfeited lands in Eng-
“ land and Ireland, till there should be another
“ opportunity of settling that matter in parliament,
“ in such manner as should be thought expedient.” Afterwards, as we have shewn, an address was presented, that no grant might be made of the forfeited lands in Ireland. And almost in every session, a claim has been put in by the representatives of the people; and, as we have set forth, 12 several bills have been presented and read, all tending to appropriate these forfeitures to the uses of the war. So that the new possessors of these estates cannot pretend that any silence has given a sanction to what has been done, or that a quiet and unquestioned enjoyment has so far confirmed their right, as that thereby they may plead prescription. If any of these lands have been sold or trafficked
VOL. III. U about,

about, the purchasers cannot plead ignorance; by the steps made in parliament, they could not but know they bought a litigated title: the same may be said as to marriage settlements, jointures, or any other civil contract that has relation to the grants lately made.

4thly, What crown-lands King Charles gave away, descended lineally to him from his ancestors. The Irish forfeitures have been lately purchased with the blood and treasure of this kingdom.

If any man could think that a resumption, retrospecting so far as the beginning of King Charles the 2d's reign, would be for the publick good, why has it been never set afoot or mentioned at any other time, but when the parliament had a desire, by a resumption in Ireland, to ease the people in their taxes?

All the premisses considered, perhaps it will appear to any unbiassed person who desires to help the affairs of England by a resumption, that, to follow the greatest number of precedents, and according to the rules of prudence and justice, the bill ought to look no farther backwards than this, or the reign immediately preceeding.

We hope to have made it evident in the series of this discourse, that, according to the constitution of this kingdom, the late grants may be resumed; we have produced variety of precedents to justify such a proceeding. It is hoped we have given them a full answer who would engage the King's honour in countenancing their depredations upon the publick. Peradventure we have produced undeniable proofs, that the people of England have an interest in these lands; and perhaps we have silenced those, who, to clog a good thing, would put us upon a wrong scent, by proposing to look farther backwards than, in justice and reason, we ought to do.

And,

And, if we have made out all these positions, it will not be difficult for good Englishmen to think, infer, and conclude, That more especially the forfeited estates in Ireland ought to be applied towards payment of the publick debts.

The writer of these papers, from the first time he bent his studies to matters of this nature, has all along endeavoured to propose such ways and means of raising money, as might give ease to the landed interest, of which he hopes what he has formerly published is a sufficient evidence.

It is true, the freedom and sincerity with which he has handled these points, may have drawn upon him powerful enmities; but if he has given any hints by which England may save 2 millions, and remain this year without a land-tax, he shall think his labour well employed, and little value the displeasure of particular and interested persons, whose resentments ought truly not to fall upon him, but rather upon those whose general ill conduct has made so rough a thing as a resumption necessary.

However, he who looks into any mal-administration, stirs up a nest of hornets. If any one be touched who has been concerned in procuring grants, all that have participated in his guilt will be alarmed, and think themselves bound to act in his defence; for if one criminal falls, the rest are all in danger. * “*Nam si Marcellus Eprius caderet, agmen reorum sterneretur.*”

There is an anecdote or secret history belonging to these grants, well worth the knowledge of good patriots; the writer of these papers is not quite without materials for it: nor is he at all withheld by any of those private and mean fears which commonly obstruct national designs; but the truth

* Tacit. Hist. l. 4.

is, he has not this time had leisure to put so dark and intricate a matter into any tolerable method.

The manner of procuring several of the Irish forfeitures has been as criminal by its circumstances, as in itself; but of this at another season. To look into the depredations lately committed, is so copious a subject, that he who bends his thoughts this way, is sure to have matter enough before him; and, if all things were well examined, it would perhaps be found, that the resumption here proposed is not the only way of raising money to ease the people in their taxes.

There have been, of late years, given in parliament upwards of 50 millions. This immense sum, as we all know, has been transmitted into two offices for the use of the war. And, by an inquisition into those offices, peradventure something very considerable is to be recovered.

The author thinks he cannot employ his hours of leisure more to his country's service, than in inquiries of this nature. And next year (if he finds a continuation of these foul practices, which have been so destructive to England, and so prejudicial to the King's interest) he purposes to open a new scene: that zeal for the publick which has now warmed him, shall not in the least cool; and, though he should be left to stand alone, he will still combat on, and neither ask nor give quarter in the conflict he intends to maintain with the corruptions of the age.

P O S T S C R I P T

To the SECOND EDITION.

I AM very much surpris'd to find, that some persons have endeavour'd to put a wrong construction upon a passage in this book, (p. 241.) relating to his Grace the Duke of Leeds.

The respect I have ever borne to this great man, is sufficiently known among my acquaintance and friends, and I am confident I stand in need of no apology to the Duke himself, for having presumed to mention his name; but hearing what I have said of him, has given offence to several that are warmly concerned in any thing which may touch upon his honour, I shall take the opportunity of this second impression to explain myself upon this subject.

I find the principal objection to be, That I have apologized for some whose impeachments I have taken notice of; and that setting forth the accusation of one who has done his country such signal services as the duke of Leeds, I ought, at the same time, to have mentioned what might be justly said in his defence.

To which I answer, That having said in the same page, "That the question being put," upon this, among other articles, "Whether any fit matter did appear in the examination of those articles, to impeach the lord treasurer? It passed in the negative." I thought the duke's honour sufficiently cleared, when I showed from the journal itself, that his enemies could not make their accusation good.

My meaning, when I took notice of this impeachment, was to show, that it has been the continued sense of parliaments, that ministers of state ought not to procure grants to themselves of the

crown revenue. But it can be inferred from no words of mine, that I thought his grace justly charged by this article. Innocent persons have been frequently accused, and, upon their trials, acquitted; and innocence has been sometimes oppressed by faction. The Scipios, the two best men that Rome ever bred, were brought to answer for themselves before the people. Nor can liberty subsist where any citizen is above being accused.

* “Neminem unum civem tantum eminere debere,
 “ut legibus interrogari non possit. Nihil tam
 “æquande libertatis esse, quam potentissimum
 “quemque posse dicere causam. Quid autem tuto
 “cuiquam, nedum summam reipublicæ permitti,
 “si ratio non sit reddenda? Qui jus æquum pati
 “non possit, in eum vim haud injustam esse.”

When good patriots are questioned, if they clear themselves, it adds a greater lustre to their fame; and it is an especial mark of their innocence, if their accusers industriously and constantly avoid coming to try the fact.

This I take to have been all along the duke of Leeds's case. He has been accused, but it is notorious he has most earnestly pressed to have his impeachments tried, for which reason he stands acquitted in the judgment of all impartial people.

In an historical account, I was necessitated to bring his name upon the stage; and if I made no apology for him, as I have done for others, it was because I thought his case did not require it.

In the year 1678, the article of procuring grants was again repeated in his impeachment; but I have heard, and there are living witnesses to prove it, that a certain person (without doors) did say, on that occasion, “This article was added to the rest
 “(though rejected before) only to blacken the duke.”

* Tit. Liv. lib. 38.

As

As to the 5th article, I have been informed by those who are both knowing of the fact, and offer, at this day, to make it appear, that of the 231,602 l. issued out of his Majesty's exchequer in 2 years, for secret service, far the greatest part of that money was employed to other uses than those which are suggested in that article, and had amounted to 100,000 l. more than that sum, within the same 2 years, if the duke had not both positively refused to obey the King's command to pay 100,000 l. more to secret service within the time aforesaid, and withstood the transcendent power of a very great lady, and the earnest solicitations of a certain lord now in power, who was sent to him with that message on her behalf, and who knows this to be true.

It is likewise said, (and I have heard it confirmed by the duke himself) that, after his refusal to pay that 100,000 l. he was never able to withstand the power of that lady, nor of the French interest at court, though he was mistakenly prosecuted at the same time for an abettor of it.

I think myself bound in justice to say, that, according to the best observations I have been able to make, the duke has in all reigns opposed the interest of France, although (as his nearest relations do constantly affirm) he has had temptations offered him of the highest nature, to have espoused it; and there can be no greater instance given than the match he originally proposed, and principally promoted between the Prince of Orange, his present Majesty, and the late Queen, which was a blow indeed to France. That he did not make his court by that marriage, is as apparent, as that we all owe our present happiness to that wise counsel.

As to the other articles of his impeachments, I neither have, nor shall pretend to argue upon them. In my own opinion, I have always had his affection

to the publick, his courage, eloquence, foresight, and wisdom, in the highest veneration. His worst enemies must acknowledge, no man was more active than he in the Revolution; nor could I ever hear any unbiaſſed person represent him otherwise, than as a man ſteady to the religion and true intereſt of his country.

In looſe reigns, the beſt and greateſt ſtateſmen that ever were, have been compelled to do ſome things againſt their inclinations, which will not bear a ſtrict inquiry, and yet are to be excuſed by the neceſſity of the times, when women and prieſts have governed, and when the whole court has been corrupted. But thoſe miniſters have nothing to ſay in their defence, who are guilty of mal-adminiſtration, under a wiſe and virtuous Prince.

BALANCE of POWER.

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UPON THE

BALANCE of POWER.

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BALANCE OF POWER.

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THERE is no surer mark that a government is near its utter destruction, than when the people are observed to be careless and unconcerned at a time when they are pressed and encompassed with dangers of the highest nature. This state lethargy is such an apoplectick symptom, as is commonly the forerunner of death to the body politic.

Many of the first rank, for birth, parts, title, and fortune, instead of bending their thoughts how to serve their country, are either meanly contriving how a change may be made, whereby they may better themselves, or, which is as bad, they imagine all will be well, if a few of their friends are at the helm; as if any good to the publick could be expected from a little shifting of hands, at a season when nothing can prevent our ruin but an entire change in the very principles and measures by which our ministers have lately governed.

No small proportion of our gentry have neglected and lost their country-interest by hawking after preferments at court, so that elections come to be made at random, without any regard to virtue or merit; at which we are not to wonder, when the gentlemen have taught their neighbours to sell their
votes

votes by a long practice of exposing to sale their own voices in St. Stephen's chapel. If any such get into parliament, they never believe it goes ill with the kingdom, if it goes but well with them. Their estates in land are not so much the object of their care, as by what servile arts they may keep their employments, or by what treachery they may deserve better posts; this leads them to be indifferent in what relates to the common welfare: if their purses feel heavy, they take little thought of what becomes of the balance of Europe, nor to which side the scale inclines. If we represent to them the growth and power of France, and the dangers that threaten England, they are not at the least alarmed, as knowing they have got wherewithal to buy their own peace, and to recommend them to another master.

We have known the times, when the news of such a league as has been lately entered into, without advice of parliament, would have created a general consternation in the city. 30 years ago, the shops would have been shut up, if such a dangerous union had been then made between the strengths of France and Spain, as is now, with just reason, to be apprehended from the duke of Anjou's succession to the Spanish crown. All the town would have had nothing before them but a prospect of universal monarchy. Our fathers, in such a case, would have given the liberties of Europe for lost, and our merchants upon the Exchange would have believed the largest and most profitable part of the trade of England but precarious for the future; whereas now we remain under the same thoughtless security as Sallust tells us Rome was in, when Catiline's conspiracy was hatched, and ready to break out. The busy men of the town, they who talk and appear most about, have a different interest
from

from that of their country. They neither mind peace nor war, but as their Bank, new or old East India stock, may be thereby affected; the interest of Europe weighs nothing with them, in comparison of the interest upon their tallies; they think a high discount upon exchequer bills, bank notes, malt or lottery tickets, would be of worse consequence than the King of Spain's will. They are not at all concerned, when it is represented to them, that France, in a very short time, may supplant us in our Spanish or Turkey trades. They think it a shorter cut, a safer voyage, and a much more profitable traffick, to deal between the Exchange and the Exchequer. They say, If we have peace, their stocks will rise in value; if a war comes, they can again bring money to 30 or 40 per cent. interest; so they shall find their account either way.

It is to be feared that, of late years, by making the highest stations of the kingdom the rewards of treachery and base compliance, by bribing members of parliament with pensions and places, and by the immense gains which a negligent and corrupt ministry has suffered private men to make out of the kingdom's treasure, almost all ranks of men are come to be depraved in their principles; and, to own a sad truth, none are ashamed of having notoriously robbed the nation; nay, it is gone so far, that prefatory panegyricks are granted to those who have been accused in parliament, upon crimes for which they may some day be brought to answer. The little publick spirit that remained among us, is in a manner quite extinguished. Every one is upon the scrape for himself, without any regard to his country; each cheating, raking, and plundering what he can, and in a more profligate degree than ever yet was known. In short, this self-interest runs through all our actions, and mixes in all our councils;

councils; and, if truly examined, is the very rise and spring of all our present mischiefs.

I will venture to say, from the time of the Norman invasion, we never had a more dismal view before us: we are rent asunder by factions, which are still maintained and fomented by those who are apprehensive their depredations, and other crimes against the publick, would receive condign punishment, if once honest men could be brought to understand one another; we are every day threatened with attempts from abroad, and, at best, there is but a suspected peace between us and our powerful neighbours.

But, taking it for granted their other affairs will not, for some time, permit them to look this way, yet, their present greatness will always give England anxious thoughts; we shall be in care, first, for our allies and confederates, and then for ourselves; we shall suspect, and not without reason, that every step which increases the strength of France, leads towards our ruin. In all ages, any immoderate growth of power abroad has made us unquiet, and every preparation the French make, will give us fresh alarms.

For many years we have pretended to hold the balance of Europe, and the body of the people will neither think it consistent with our honour nor our safety to quit that post.

This kingdom, from the time we quite lost our possessions in France, did little concern itself with foreign affairs, till the reign of Henry the 7th. But this Prince began to look about him, and saw, that all accessions to the French power were dangerous to his estate: this made him enter into a strict alliance with Maximilian the German, and with King Ferdinand of Spain; and this induced him and his parliament to engage in a war with
Charles

Charles the 8th, to hinder Brittany from being united to the crown of France. But Henry's politics were too finely spun; he thought time would have brought that about, which was only to be compassed by force of arms: he likewise made a wrong judgment of his enemies strength; he thought the dukes of Brittany and Orleans abler to resist, than, upon proof, they were found to be: besides, his natural slowness and caution, and his over frugal temper, were impediments to his design; he came too late for the succour of his allies; a battle was lost; the old duke died, and left a daughter, and so, by marriage, this important province was added to the French dominions, in the reign too of a Prince famous for his wisdom; of which accession England will, in all future ages, feel the bad effects.

His son, Henry the 8th, spent most of that immense treasure (which his father had hoarded up) in making wars, leagues, and alliances, in order to keep the balance of power even between the two great empires of Europe, during the reigns of Ferdinand and Charles the 5th, and of Lewis the 12th, and Francis the 1st, Kings of France.

His daughter, Queen Elizabeth, took the same measures. The Spaniards must have over-run France during the civil wars, which lasted from the death of Henry the 2d to the reign of Henry the 4th, but for the seasonable assistance which, from time to time, she yielded to those of the reformed religion, and the succours she was all along sending to the United Provinces, which were two invincible bars that she put to the progress Spain was then making towards universal monarchy. By lifting up France, she formed a strength that was able to hold the Spaniards in play; and, by protecting the Netherlands, she fixed in their very flesh a bearded arrow,

arrow, which made a wound that was hardly to be cured. By holding thus the balance, she made England safe and happy during her time.

But the next Prince, James the 1st, did not tread in her steps; while he governed, national interest was no where pursued; secret negotiations were carried on with the Pope; the protestants were not only oppressed in Germany, but reduced to the last extremity in France, and besieged in Montaban by Lewis the 13th, and in Rochelle by count Soissons and the duke of Guise; and all that was done towards their relief from hence, was by a mediation carried on without any vigour; and, which gave the people dreadful apprehensions, Spain, in those days, was still formidable, and an over-balance for all the rest of Europe, whose designs, instead of being opposed, were promoted by England, and the King meanly courted an alliance with his most dreadful enemy. But, in the mean while, the fear of universal monarchy awakened the whole kingdom, and brought on that parliament which was assembled in 1621, where very plain remonstrances were presented to the throne, setting forth the dangers that threatened the nation: but Spanish gold had charmed our court, and that parliament was dismissed in anger, and several of the principal members were imprisoned, who could not sit silently, and see their country lost. Thus this old Prince chose rather to follow the dictates of his own will, and the pernicious advice of his favourites and ministers, than the faithful and disinterested counsel of his parliament, who addressed to him to arm, and enter into such leagues as might oppose the growth of the Spanish monarchy; but he entertained secret hopes, that so potent an alliance as that with Spain appeared to be, would make him more powerful over his own people; and the whispers of Gunda-
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more, the Spanish ambassador, weighed more with him than the representations of his Lords and Commons; but at last, all this proved fatal to him and his posterity; for, by his rough dealing with the House of Commons, he then sowed the seeds of that discontent which ended in the ruin of his son.

The general clamours, the voice of the whole people, and their fears of the power of Spain, produced, in that reign, another parliament, which sat in 1623; and there the Spanish match was broken off, and the King was advised to enter into a war with that nation. And, to show how dreadful the appearance of universal monarchy has always been to Englishmen, this breach with the then formidable power of Spain was no sooner declared, but there were bonfires, ringing of bells, and all other marks of publick joy.

From the 5th of King Charles the 1st, which began the year 1629, the ministers of England had set up their rest to live without a parliament, and consequently, they neither had the inclination nor the means of looking abroad, to see that neither France nor Spain might get ground the one upon the other. And, from the year 1640, we were in a state of civil war till Worcester fight, which was in 1651. During this intermediate time, lasting about 22 years, the face of affairs in Europe was quite altered; the Spanish monarchy, heretofore so dreadful to us, was declined in strength, wealth, fleets, armies and discipline: and, by the succession of two able ministers, Richlieu and Mazarin, the greatness of France was become formidable.

From the time Oliver Cromwell pretended to govern his affairs in a monarchical way, by himself, and without the concurrent advice of the people's representatives, he performed no one act that tended to the general good of England.

By the rules of policy ever observed in this kingdom, he should have bent his endeavours to keep the balance even between those two nations, at least he should not have helped a growing empire to oppress a sinking state. The measures he took did certainly not consist with the publick good of England, but they conduced to his private interest; he was resolved to maintain his own ill-gotten power at any rate; he feared to be supplanted by his own army, or by the commonwealth party: in case, therefore, of any future storm, he thought it was his personal interest to fortify himself with the ships, troops, and money of a foreign court.

Spain was too remote to assist him upon any such emergency; their abilities were weak, and counsels slow: but the French ministers were men of dispatch; the state was rich, at that time not weak in shipping, most powerful by its armies, and ever ready to help England to destroy itself: and, upon these considerations, he chose to enter into a strict league of amity with France.

His publick treaty with that kingdom bears date the 3d of November 1655. It contains a firm peace to be established between the two nations, and mutual commerce; but the terms of it were such, as plainly demonstrate England was courted to it, and superior in the treaty.

But besides, there were secret articles agreed upon between Cromwel and cardinal Mazarin, of which I shall set down the three most remarkable.

* That the sum of 9 millions of livres, lent by Queen Elizabeth to Henry the 4th, with interest, liquidated to 13 millions, should be reimbursed to the commonwealth of England, as succeeding the said Princess.

* 2d Art.

That

* That provided the said money be paid, the commonwealth of England shall be obliged to furnish and entertain, at its own charge, 12 ships in the Mediterranean, there to join with the naval force of France, and to receive orders from the French admiral concerning the expeditions that are to be made against Spain; and 6 other ships to cruize in the sea of Dunkirk, to hinder the said town from being victualled.

† That the commonwealth of England shall be obliged to furnish the King of France with 40 ships of war, to help in the re-taking Dunkirk and Gravelin; and when these towns shall be retaken, the said King shall assist the said commonwealth with his army, to help in the retaking of Ostend and Newport.

This is the first instance I can meet with in our history, of England's assisting the strongest Prince against the weaker; and I am the more particular in it, because men are apt to accuse King Charles the 2d of having given the first helping hand to the immoderate power of the French; but though he committed errors enough against the good of his country, yet it is evident, by what I have shown, that Cromwell laid the first stone of that mighty building which France has since erected.

If we enquire into the reasons of this secret alliance, no good one can be assigned. The Spaniards were not then in a condition to do him any hurt; they had neither fleet nor army powerful enough to establish King Charles upon the throne; his case was every where at that time thought desperate, nor indeed could any thing have restored him but the inclination of the people, of which there hardly appeared then any symptom, though the mal-admi-

* 3d Art.

† 4th Art.

nistraton that was visible in a few years, made them linger after the old form of government. As to the Hollanders, though perhaps in their hearts they might wish to see regal power settled here, as apprehending the industry, frugality, vigour in action, and sagacity in council, of the rising commonwealth of England; yet they were so abated in strength and courage by the unsuccessful war they had carried on against this nation from the year 1652, that they were utterly unable to give the protector any disturbance. Seeing therefore he had nothing to fear from abroad, we may reasonably conclude, that he entered into this private league with France, to no other end and purpose but to keep the people under with the awe of this great alliance, thereby to maintain himself in the tyrannical power he had assumed when he threw off the use of a free parliament.

The time-servers and flatterers of that age did very much applaud the publick treaty he had concluded, saying, he had made the King of France submit to dishonourable terms, and had compelled him, against the laws of hospitality, to sacrifice and banish Princes, who had taken sanctuary within his kingdom.

The false politicians of that time imagined he had gained a mighty point, and thought he had frightened or over-reached that deep statesman the cardinal; but Mazarin was too wise not to know what he did, and not to see that no punctilio of honour was to come in competition with so great a benefit, as the ruin of the Spanish monarchy would produce to France. He suffered Cromwell to enjoy the empty glory, while he reaped the solid profit; and perhaps it may be reckoned the master-stroke of all his ministry; for, like the lion, he crouched, but it was to leap more conveniently upon his prey.

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An army victorious in so many battles, the reputation our fleets had gained, and the flourishing condition of our trade in those days, were circumstances that had set us up very high in the world, and made him willing to soothe Oliver's vanity, and ready to support him in his ambition: but what did this treaty produce? It helped to ruin a state that had been declining for some years, and put the balance of empire on the side of France, where it has remained ever since.

Besides, it is to be feared this dark and selfish counsel had another dangerous effect: for these transactions of Cromwell gave King Charles and King James II. a bad example, and taught them to expect security in a foreign bottom, and to rely upon that court to help them at any time against their own people, and to have other reserves than in their affections: and many wise men have thought they followed this ill pattern, when they entered into that close correspondence and conjunction with France, which tended so greatly to strengthen and enlarge that monarchy, and which has since cost England so much blood and treasure.

When King Charles ascended the throne, England so little regarded the balance of empire, that, in 1664, a war with the Dutch was entered upon by advice of parliament. And here we may wonder how it came to pass that a House of Commons could be induced to advise the King to make a war with Holland; but they who remember those times, know it was a mine sprung from court to blow up the protestant interest; and the good cavaliers, who were then very strong in the House, gave into the matter, out of their old hatred to a commonwealth: however, the most discerning men on both sides saw into the design, and from whence the engine was played. It is notorious, my lord chancellor Cla-

rendon was ever averſe to that unfortunate conteſt with our neighbours of the ſame religion, which afterwards produced very bad effects: and it was ſo far ſet a-foot by the Roman Catholick party, that it was called my lord Clifford's war.

At laſt the eyes of the miniſtry came to be opened; they ſaw theſe differences with Holland tended only to weaken the proteſtant intereſt, and to augment the power of France; therefore, in January 1668, the King entered into a ſtrict alliance with the United Provinces; Charles XI. of Sweden came into the ſame treaty; and this was called the Triple League, which was to ſupport the peace made at Aix la Chapelle.

All Europe rejoiced at it, the French excepted; and if it had been ſtrengthened by the acceſſion of other Princes who deſired to join in it; and if it had been as inviolately obſerved as it was wiſely contrived, the balance of power had not ſo much inclined to the ſide of France. It was ſo well received, that, for a time, the very name of it in the Houſe of Commons produced a tax.

Such leagues as that was, will never fail to pleaſe the people; but they reſent it highly from the miniſters, when they adviſe the Prince to enter into alliances, of which the ill conſequences are plain, and the good ones doubtful, if not impoſſible; but more eſpecially, when they form treaties that, at the firſt view, ſtrike men pale with fear and horror, and afterwards augment their care for the publick the more they are conſidered, and which even the moſt vulgar capacities can diſcern to be diametrically oppoſite to the nation's intereſt, and to the common rules of policy. And of this nature are all the leagues England ever made to aſſiſt the ſtrong againſt the weak. Such meaſures ſoured the people in the time of King James I. His ſon
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felt the bad effects of that discontent. The like measures rendered a great part of King Charles the 2d's reign uneasy: and a belief obtaining, that the same counsels would be still followed, did contribute to undo his brother.

About 1671, the triple league was broken, the exchequer was shut up, the design was laid of seizing the Smyrna fleet; and in March 1672, war with Holland was again proclaimed, which we carried on in conjunction with the French; but this war was far from being undertaken by advice of parliament. And in 1673, both Lords and Commons advised the King to a speedy treaty with the United Provinces, in order to a peace; which advice was afterwards pursued.

All this while France increased in power, strength and reputation. It is true, the empire, Spain and Holland, gave what opposition they could; but, to make the scale weigh, they wanted England in the balance; but this did not suit with the inclinations of the court.

However, about the year 1677, the nation began to awaken from that lethargy in which it had lain so long entranced; they whose ancestors had spilt so much blood, and expended so much treasure, to keep the neighbouring dominions within due and moderate limits; they whose fathers had expressed such dreadful apprehensions at the excessive growth of the Spanish monarchy, late still while the French were erecting a much more formidable empire. For, after the Restoration, the body of the people were intent upon improving their land, or accumulating wealth by trade. The gentry were softened into pleasures by the example of a young Prince; the court was drowned in luxuries, and plunged into corruption of all kinds; the martial temper that had so glittered here during
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the civil war, was extinct in us, and gone to other countries; the arms of France, in the mean time, were every where victorious, whose power and fortune the inferior states stooped to and courted. There was indeed a rival, but of more fame than real strength; for Spain was become weak, and the house of Austria was supported by nothing but the German valour. Thus a great part of the world was almost ready to undergo the yoke; we, who alone could give any strong opposition, did at best but faintly countenance our true friends, and at last openly assist our certain enemies. And, while these things were in transaction, but few saw, and none endeavoured to prevent our impending miseries.

But at last some good patriots began to rouse themselves, and to exert their virtues. It is true, in those days, the fountain-head was tainted, and the guardianship of liberty was in polluted hands: pensions, bribes, offices, hope of getting, and fear to offend, had in a manner extinguished that public spirit, and those principles of honour, upon which our predecessors acted: however, in 17 years, though they went a great way towards it, they had not been able to procure a party, who, by the strength of their numbers, could subvert this constitution.

For, at that time there was a set of men whom profit could not allure, nor power intimidate: it was they whose bold speeches and representations drew him from his bad measures of pursuing the war with Holland: it was they who first perceived his fatal counsels to be equally dangerous to religion and our liberties: it was they who beheld with horror English fleets and English troops helping a Prince who so visibly aspired to the dominion of all Europe: it was they who had the courage to attack
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in parliament men of great power and figure, whom they thought authors of those pernicious advices: it was they who endeavoured to break that correspondence our court held then with France, so dishonourable to the King, and so opposite to the publick good: it was they who enquired into the breach of advantageous leagues, and who thought the ministers accountable for entering into alliances prejudicial to the realm: it was they who desired to look into private treaties, and secret articles, which now and then may serve a Prince's present turn, and suit with his own personal interest, though these close transactions have generally tended to enslave the people; of which innumerable instances might be given. Lastly, it was they who, by their repeated addresses, asserted the right of parliaments to be consulted in affairs upon which depended the welfare or ruin of the kingdom: and these men (such of them I mean as have not since deserted their old principles) will be revered in all future ages.

On the 10th of March 1676-7, the Commons being under apprehensions at the immoderate growth and power of France, did think themselves obliged to address to the King, that he would enter into such alliances as might be for the security of England. To which address the Lords concurred. And, on the 29th of the same month, the Commons again addressed to him, intimating, that if, in pursuance of the former address, the King should find himself necessitated to enter into a war, the House would fully aid his Majesty from time to time, and assist him in that war.

On the 26th of May 1677, the Commons again repeated the fears the nation lay under, by reason of the French power and greatness, and pressed the King to enter into a league offensive and defensive with the United Provinces,

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But the secret friends of France apprehending, that if England went heartily into the war, it might turn the scale; to ward the blow, thought it best to throw a bone of discord between the King and his parliament, persuading him, that the Commons had invaded his prerogative, by meddling in matters of war and peace; insomuch, that they prevailed upon him to say, in a speech to both houses, May the 28th, 1677, That in no age, when the sword had not been drawn, the prerogative of making war and peace had been so dangerously invaded; and, in a heat, the parliament was adjourned.

When the parliament re-assembled, the Commons again urged their fears of France, and in a more pressing manner: and, in their address of the 31st of January 1677, desired the King not to admit of any treaty of peace, whereby the French King should be left in the possession of any larger dominions and territories, or of any greater power than what he retained by the Pyrenean treaty; less than which, as they conceived, could not secure this kingdom, and the rest of Europe, from the growth and power of the said King; but that he alone might be able to disturb the peace thereof, whensoever he was minded to attempt it.

But, to evade this address, the prerogative was again insisted upon, in a message of the 4th of February 1677. However, on the 18th of February, the House voted the King a million, to enable him to enter into an actual war. And, on the 15th of March 1677, they addressed to him immediately to declare, proclaim, and enter into an actual war with France.

The court had made an alliance with Holland, but it was not such a one as the Commons thought safe and effectual: therefore, on the 4th of May 1678, they came to a resolution, that the league
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offensive and defensive with Holland, with the articles thereunto relating, were not pursuant to the address of the House, nor consistent with the good and safety of the kingdom; and agreed upon an address, that the King would enter into the alliances and confederations then a-foot between the Emperor, the King of Spain, and the States General, for carrying on a war against the French King. To this address a rough answer was given upon the 6th of May 1678. But the evasion then thought fit to be made use of, was, That both Houses had not concurred in the advice.

Upon the 10th of the same month, the Commons agreed upon an address, which pressed an answer to their last. And, upon another address, wherein they desired his Majesty to remove those counsellors who advised the answers to their addresses of the 26th of May, and 31st of January, or either of them.

This parliament was prorogued the 15th of July 1678, afterwards the peace of Nimeguen was concluded. But from that prorogation, till his present Majesty's happy accession to the throne, we can hardly say England enjoyed one good or quiet moment. Popery increased, the power of France grew yet more formidable, and the court every day entered into measures more and more destructive to the kingdom.

Thus I have briefly shown, that from the time Henry the 7th attempted to relieve the duke of Brittany, which was anno 1488, to the year 1678, that is, for 190 years, England has all along endeavoured to hold the balance of Europe; and that though some of our Princes, during this period of time, by the corruption of their courts, have been induced to favour the monarchy that seemed the most aspiring; yet that parliaments have always bent

bent their utmost care to provide, that neither France nor Spain might gain any ground the one upon the other.

We may go yet farther, and say, the late revolution, and the war that happened upon it, were both carried on upon the same foot of opposing the growth of the French monarchy; for we suspected a Catholick Prince would favour that country by whose power only the Catholick religion could be introduced.

When the peace of Ryswick was concluded, we had all the prospect imaginable of making a greater figure in the world than we had done in many ages: all Europe was possessed with a high opinion of the King's valour and conduct. He was acknowledged to be head of the protestant interest, which brought many important dependences upon him. He commanded the two greatest trading nations, which gave him a naval strength that no other people were able to face: our troops had given such proofs of their courage, as did renew our ancient glory and renown in foreign parts. And, by maintaining a war so long, and so expensive, we showed marks of an unwearied constancy, and that we had a spring of wealth not easily to be exhausted.

They who saw us with such appearances of a robust and florid health, could not conceive less hopes of England, than that we should be able for a time to hold the balance, and that the French would not be easily induced to enter upon measures that would clash with the interests of so fierce a people, and which, in past times, had shown themselves so active in preserving the liberties of the rest of human kind, whereupon their own freedom depended.

It was hardly imaginable, when they were so sore with the wounds of the late war, and so exhausted
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of wealth, and so diminished in people, that they should think of making any steps, which, in their consequences, were certain to arm us and other nations; and it was little expected, that they should think it advisable or safe to seize Flanders, or to insult Holland.

These are bolder counsels than they thought fit heretofore to venture upon, when we had an unactive Prince upon the throne: what then can have pushed them upon this sort of conduct, when we are ruled by a King so famous for his military virtues?

Must they not have some reserves that are not vulgarly known? Must they not believe us involved in difficulties through which they think it impossible to wade? And must they not conceive our affairs to have been so perplexed by a long series of mismanagement, that they have no reason to fear abler hands and wiser heads will run the hazard of coming into the administration to disturb them in their progress?

If they have fathomed one set of men, and know the weakness of their counsels, and folly of their conduct: if there are others, of whose probity, skill, and experience, they stand more in awe; but if they believe the age not capable of such a ministry: if they think the people so corrupt, that they cannot bear it, or the times so slippery or dangerous, that good men will not think it safe to meddle in our business: if they are sensible of all this, as it is to be feared they are but too well instructed in these matters, we are not to wonder at the late bold attempts they have made, since it is to be presumed they thought us not able to give them any opposition; for they know well enough, that neither the valour of a Prince, nor the courage, nor wealth of the people, can make a country
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considerable abroad, if it be destitute of counsel, and if its affairs at home are ill conducted.

Opinion is the principal support of power, and states are seldom any longer strong or wise, than while they are thought so by their neighbours; for all great things subsist more by fame than any real strength. And, after Charles the 5th, the Spaniards, for some years, preserved their empire by nothing more than the opinion mankind had conceived of the depth and wisdom of their councils.

But, when a nation gives any visible mark of ill conduct, such as rings through the whole world, it draws so many eyes upon it, as quite look into all its weaker parts; its protection is no longer relied upon, and its alliance is not courted. Other countries first despise, and then venture to insult it: for mankind will be always apt to imagine, that where there is no counsel, there can be no real strength.

Such a taste of ourselves it is to be feared we have given, by entering into the late partition treaty: it is to be apprehended, our neighbours can have no value for a people who were thus to be over-reached. It is true, our arms have been dreadful in the field, and our fleets have been the terror of the main. But are they to be feared, who, after all their martial toils, could be so easily defeated in the cabinet?

Our profusion of the publick treasure, the rapacious temper of some of our men of business; our divisions, and the corruption of our manners, have indeed all along tended to lessen us in foreign parts; but this fatal alliance gave the last stroke to it: we have thereby lost the reputation we had of being a wise and cautious people (and so we have always approved ourselves where the body of the people has had to do, or has been consulted.) And there are strong reasons to suspect, that this late proof
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we gave of the weakness of our councils, has encouraged the French to think us now no dangerous enemy, and not in a posture to oppose them in the attempts they are making to disturb the peace of Europe.

To put us in a condition to hold the balance, our distempers at home must be first cured: but, in order to this, the sore must be lanced, probed, searched, and laid open; and if I do it with a rough hand, let the reader consider, I have stubborn and inveterate diseases to deal with, which will baffle all gentle remedies, and stand in need of the strongest applications that can be thought on.

War, among other monsters it engenders in the womb of a state, begets and gives rise to a set of busy, undertaking, ambitious, light, and projecting persons, who are then brought upon the stage of business. These, whom peace would have left in their original obscurity, in troublesome times shine forth; but it is like portentous meteors, threatening ruin to the country that is under their malevolent aspect: many such, of late years, have crept into the administration of our affairs. It is true, the cries of that people they had so exhausted, did at last make some of them retire; but they hope the same calamities of the kingdom that first introduced them, may render them again necessary, not doubting but to make the commonwealth yield them a second fleece. These I shall endeavour to describe, with some of the many attempts they have made upon the publick. I shall likewise set forth the circumstances to which they have reduced the nation.

By the profusion of some of those who were lately in the administration of affairs, by the impossibility there was of having any frugal management, when the men of business gave the bad example

ample of diving with their own hands so frequently into their Prince's pocket ; by the exorbitant grants they procured for themselves, and obtained for others ; by the general wastes that have been made in the revenue ; by the ignorance of the officers concerned in levying and bringing in its most considerable branches ; by the scandalous negligence which has been shown in inspecting and stating the accounts of the fleet and army, in which two articles, during the 9 years of the late war, there was expended upwards of 39 millions ; in short, by a complication of all sorts of fraud and folly, through the weakness of some, and craft of others, things have been so ordered, that we are got into such an immense debt, as we cannot wade through in many years.

They who have been most instrumental in our ruin, the authors of those fatal counsels under which England will labour for many years, if it do not quite sink, the inventors of those pernicious projects, by which the whole income of England is charged with new duties, the hands that have distributed those bribes and pensions, by which so many have been corrupted ; they who have thus long robbed the publick ; they who have advised the treaties, leagues and alliances, of which we are now going to feel the dismal effects ; they who hate their country, because they fear its just resentments (for men always hate what they fear ;) they whom nothing but confusion and civil war can much longer save and protect, are grown so rich, powerful and great, by having, for 8 years together, plundered the commonwealth, and engrossed all the places of profit, that they seem now too big for punishment. They have so long exercised their insolence and tyranny, that many are in truth awed by it : if any present themselves, to promote better measures,

measures, and to give sounder counsels, they fright them with their overbearing temper; so that good men are shy of entering into the lists with them, as being unwilling to make use of the same foul arts by which the others did first get, and have since maintained their power. This pernicious, but indeed well-united band, from time to time deceive the vulgar with gross lies, and poison not a few even of the better sort, with whispers and false suggestions, giving wrong characters of those who so strenuously asserted the liberties of England in the last House of Commons, and insinuating, as if those patriots who desired to disband a numerous army, aimed at weakening the King, whom, on the contrary, they have made stronger, by being now guarded by the affections of his people. By their having so long held the purse, and by their having had, for 8 years, the disposal of beneficial offices, and by their having engaged so many in their projects, they have procured a formidable party; and though they neither can, nor ever intend to do any good, they are able to work much harm, being a constant let, and an intolerable weight upon any who shall offer to mend things: but, which is worse, by their new acquired wealth, they have been in a condition, as we have lately experienced, to bid fairly for a large share of the legislative authority, thinking it wiser and safer for them to buy boroughs, than to purchase land. And it is to be apprehended, not a few of them have succeeded in this enterprize. Such among them as think one house too hot for them, to be safe from enquiries, will, without doubt, endeavour to screen and shelter themselves under the privileges of another place, so as they can be hardly come at. Add to this, that they had in a manner besieged the throne by their creatures and dependents; so that the passage is almost barred

to those who have courage and sincerity enough to expose not only the constant weakness, but certain danger of all their measures. Thus they remain intrenched in all the strong posts of power, bidding open defiance to the laws, undermining our constitution, and strengthening one another against the publick; but, it is to be hoped, they are not yet quite grown above the reach of parliaments.

As to religion: it is notorious, that many of those lately in play have used their utmost endeavours to discountenance all revealed religion. They were more enraged at the church-party for believing in the Apostles Creed, than for the Tory principles some of them had advanced. Nothing but the subversion of all divine worship could make way for that immorality which they intended to put in practice; all sorts of divines forbid the arts and ways by which they purposed to thrive; they were therefore to unsettle men in their opinions about religious matters, by which they hoped to prepare the minds, especially of the vulgar, to have different thoughts of vice and virtue than what they had heretofore entertained; which, if they could have compassed, they did not doubt to be well esteemed of, as being the reverse of what honest and virtuous men ought to be, and acting quite opposite to what all religions have enjoined. They would have been safe indeed, and it would cover all their crimes, if nothing could be thought foul, treacherous or dishonest, by which a man was to reap advantage; and, if the people could have been once brought to think every thing good which they saw to prosper. Upon these grounds they have done their utmost to turn all religion to a jest. Do not we all know, that in the midst of their prophane mirth, a modest Christian durst hardly put in a word in favour of the second person of the Trinity, without

without exposing himself to laughter? To hear them talk sometimes, one would imagine they believed a true Christian could not be a friend to the government. Good God! what a strange mixture of men have we lately seen upon the stage? Irreligious fanaticks and arbitrary republicans! Are not a great many of us able to point out several persons, whom nothing has recommended to places of the highest trust, and often to rich benefices and dignities, but the open enmity which they have almost from their cradles professed to the divinity of Christ?

All Europe has its eyes upon England, which is so little able to help others, that itself is in danger of ruin. But some perhaps may say, What has a private man to do with all this? To such may be answered, That in free countries, particular men may be allowed to look into what relates to the common safety: it is true, the pilots, to whom the vessel is trusted, are not to be disturbed on every light occasion; but, if they are apparently running it upon a rock, a private passenger, who is to sink with it, may be permitted to give notice of the danger, for it is no more than self-preservation, which is one of those natural rights whereof (in the original compact for government) we neither did nor could divest ourselves.

Heretofore, indeed, when arbitrary Princes sat upon the throne, they thought themselves bound, though with the hazard of their own ruin, to justify the ministers in the worst of their measures. To look into the increase of popery, was called a crime; and to be afraid of the growth of France, was to arraign the government: men were not to speak, nay, not to think, but as those above would have them: penetration was stiled malice; there was no honesty but blind obedience; and, "Follow your
Y 2 "leader,"

“ leader,” was every where the word of command. But we have spent upwards of 50 millions to little purpose, if we are to wear these badges of slavery any longer.

And yet, in those times, things done amiss escaped not censure : a free-born people could not see their destruction coming on without complaining : such as loved their country, exerted themselves both in their publick and private capacities : men did speak and write, and were not over-awed either by the power or character of those whom they believed to mislead their Prince. When ministers of state are known to govern well in the main, and to intend the common welfare, they are beloved and respected ; their slips and slighter errors are forgiven ; no body looks into their actions ; all passes for current, and it is vanity at such a time to think of growing popular by finding fault. But this respect which people, by long custom, pay to those in power, may be forfeited ; and in practice we have heretofore seen, that false step after false step has rendered them contemptible ; it being certain, that, by a long course of mal-administration, they will come to lose the reverence that is due to them : for, were it not for the good order of nature in its operations, were it not for the benefits Providence daily showers upon us ; and, were it not for the wisdom it shows in our preservation, mankind would less revere the Deity itself. Could they then, to whom the ministerial part of government was committed, expect to have all their actions and counsels held as sacred, and not to be examined, when every minute they were bringing inextricable confusion upon us, when they took no care for our protection, and when all their measures tended to subject us to a foreign yoke ?

What is good and right in itself, will endure any sort of scrutiny : bad times and weak governments
only

only cannot bear inquiry. When a counsel is found, and for the publick good, bring it to the test, it receives a general approbation, and they who find fault only expose themselves: but, if it visibly thwarts the national interest; if it looks so partial, as that nothing could produce it but corruption in the ministers; and, if it carries with it apparent dangers, it is fit it should be laid open: private persons should expose it with what talents they have; they should do their best to inform and awaken the people, whose cries are certain at last to reach the Prince's ear.

If a private person sees the men of business have entered into measures destructive to the Protestant interest throughout all Europe; if he perceives, that a desperate faction of baffled and branded statesmen (in order, perhaps, to preserve their own power by the countenance of a foreign court) have formed leagues which, in their consequences, may probably reduce the whole world under the dominion of one kingdom: If a private person should be sensible of all this, do not his honour, the love to his country, and duty to his Prince, call upon him to act, speak or write, what he thinks may be for the publick service? And, if he has any courage, free spirit or understanding, will he not, upon such occasions, find within himself impulses that are not to be resisted?

The writer of these papers designs being of no party whom he shall not see apparently to espouse the true interest of England; to promote which, all his care and study shall be bent; nor does any motive lead him to offer his thoughts to the publick concerning our present affairs, but the apparent dangers with which he thinks the kingdom threatened in this unhappy conjuncture.

Storms look black upon us from abroad, bad men at home have endeavoured to undermine our
Y 3 constitution,

constitution, and, it is to be feared, that there are but too many in this nation, who, to have power, would give up liberty; against such these papers are directed, under what banner soever they may pretend to be lifted: and, as far forth as his reading and knowledge reach his purpose, shall ever be to set the old constitution of this realm in its true light. It is true, he foresees plainly enough he shall draw upon himself anger from the servile and assenting crew, by handling his subject with the honest freedom that becomes an Englishman; but, as his good intentions, innocence and integrity, have hitherto borne him out, so he hopes they will continue to protect him.

To begin with what comes most in our present view: the very foundations of our liberties have been struck at, by the audacious attempts that some persons have lately made to bribe and corrupt the boroughs, in their election of members for this parliament.

It is said, several persons, utter strangers in the countries to which they went, have made a progress throughout England, endeavouring, by very large sums of money, to get themselves elected in this present parliament.

It is said, there are known brokers who have tried to stock-job elections upon the Exchange; and that for many boroughs there was a stated price.

It is said, some have travelled, as the Tartars do, in hordes, with their whole family, their sons, packers, brokers, book-keepers, and other officers that make up the equipage of a wealthy merchant; all in hopes to be elected through the powerful recommendation of ready money.

For many years, attempts have been made to corrupt here and there a borough, but the cry was
never

never so universal as at this time; it comes now from the east, west, north, and south.

Some persons having considerable stocks in the bank of England, and in the New East-India Company, are more particularly charged with these facts. It is to be hoped, neither of these societies, as they are a body, have promoted or countenanced these proceedings; for if this should appear, they have drawn upon themselves the kingdom's utmost indignation.

Let all these sort of societies whatsoever beware of intermeddling, or pretending to influence in elections: let the Bank and New Company at no time give visible proofs that they unite their interest and strength against the constitution and liberties of England. Let them take especial care, that what Jacob pronounced concerning two of his sons, be not said of them. “Simeon and Levi are brethren: “instruments of cruelty are in their habitations. “O my soul, come not thou into their secret; unto “their assembly, mine honour, be not thou united: “for in their anger they slew a man, and in their “self-will they digged down a wall. Cursed be “their anger, for it was fierce; and their wrath, “for it was cruel. I will divide them in Jacob, “and scatter them in Israel.”

It is to be hoped, the heavy displeasure these two bodies of men may have conceived, to see some of their friends and patrons not in the same post of power to help and favour them as heretofore, will never create in them such angry thoughts as may push them upon measures so destructive to their native country; for they will soon be divided in Jacob, and scattered in Israel: that is, they will be pulled to pieces in parliament, if they should at any time grow so angry as to think of digging down the wall of our constitution.

If any of the things which are now so loudly talked of, be made appear, it is to be hoped the legislative authority will take care that the formidable strength of above 4 millions may not hurt England; and that persons united in interest and counsels, may not have it in their power to supplant the landed men in their own boroughs; for if so, our constitution will be quite altered, and we shall no longer be truly represented; for the right strength of this kingdom depends upon the land, which is infinitely superior, and ought much more to be regarded than our concerns in trade, or the new wealth which we think we have acquired in stocks and tallies.

But it is to be feared, that they who never had any other thoughts than to grow great and rich at our expence, (I mean the inventors and promoters of these projects) did with design form these new strengths, to fortify themselves against the landed interest, which they knew they had so justly provoked by the heavy taxes they had raised, and consumed to so little advantage to the publick; having, with above 40 millions levied upon the people during their administration, done no more than procure a peace, which already seems in danger to be invaded.

Which way soever we look, we can see nothing but calamities and ruin, and all occasioned by the pernicious counsels and weak management of those, who, of late years, have obtruded their unskilful heads into the administration of our business.

What good have they ever done, but for themselves and one another? At a time when a good union would be of such high importance, in order to oppose foreign designs, are we not all run into heats by their projects? Has not their erecting a new East-India Company introduced fresh divisions,
and

and formed parties, hardly to be reconciled, whose mutual strivings are come to a pitch, that may at last disturb the quiet of the state? For, from much less beginnings, fatal quarrels have arose in other countries.

The only matter that, with any shew of reason, they can value themselves upon, is the alteration of the coin, which at best was but a fortunate temerity. It had been much safer to have done it when the war was concluded. Those counsels can never be rightly applauded, which nothing but success can justify. It was a desperate step, from which there was no retreating, if any disaster had happened, or if France had not, for certain reasons, (which they who changed the coin will not dare to own they knew) been so desirous of a peace.

The paper-credit, which, with such encomiums to themselves, they boast to have set up, what effects has it produced, but only to lull the nation asleep, while the ready money that should even carry on our common business, has been exported? It is an opiate that quiets the patient for a time, but is no cure for the disease their ill conduct has brought upon us. Can this imaginary wealth stand the shock of any sudden calamity? Is it not by experience found a rotten building, which the least storm from abroad is ready to throw down? And what has it all along done, but minister opportunities, by discounts and other ways, for the rich to oppress the poor? If it did any good in time of peace, which is hard to prove, it is more than overbalanced by the confusion it introduces when there is any prospect of trouble; but if, as was once solemnly proposed, 1,700,000*l.* of this chimerical treasure had been stamped, besides 1,300,000*l.* that was then in being, what had our condition been with such a debt upon us, all due and payable at
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an instant? If the King of Spain's death, the seizing of the towns in Flanders, besides what else we are to expect, had overtaken us with such a load upon our backs, what would have become of publick credit? Would not so great a sum, trusted upon slender security, have occasioned a sudden call all at once for money? The circulators (of which, by the way, some would not have proved over solvent) could have afforded their friend and patron but little support at such a pinch; sums would have been asked for, which no society of men had been able to pay, and the state must have been compelled to declare itself a bankrupt.

It is true, these authors of our misfortunes, some of them at least, did at length think it decent to retreat; but, let us see in what posture they left affairs, when they pretended to quit the stage of business.

When they retired, loaden with the spoils they had made upon the publick, they left us divided among one another, chiefly through their arts, exhausted of our treasure, and overwhelmed with debts.

But, before they went, they engaged us in a league with France and Holland, which they knew well enough must bring difficulties almost insuperable upon any future ministry.

They could not but foresee, that the prodigious increase of power and strength which the partition treaty, had it taken effect, gave to the French, would, to the last degree, have alarmed all the thinking men of England.

Did not Naples, and the influence they would have had upon Milan, entirely subject Italy to their dominion? If, with the ports they have already on the southern coast of France, they had likewise had Sicily, had they not been masters of the Levant-trade?

trade? And was not the province of Guipuscoa a hook in the very throat of Spain? Had they not, by this triple league, in one instant, more cities, people, and kingdoms, than probably they could have obtained by the sword, attended still with victory, in the course of a hundred years?

But the emperor did not acquiesce in it; Portugal temporized, but would possibly have declared against it, if any strong alliance had been formed: the conclave began to tremble; Venice did not think itself safe; and all the Princes and states of Italy began to find it high time to enter into alliances for their common preservation.

Of all this, war must have been the consequence. We may therefore imagine some certain persons arguing thus among one another, while this secret league was in embryo. No new set of men can be found that will venture to ask money of a parliament to support it. Who of fortune, parts, or figure, will come in upon the terms of justifying such a measure? But we who advise it, will maintain it. And we have given 8 years proof, that there are no lengths we are not willing to go; we make no difference between land armies and fleets; it is known, we care not what taxes are raised, nor by what ways and means; if we can involve our master in this difficulty, we secure ourselves for ever, the field is our own, and no others will dare to take in hand the administration of affairs. And, upon these, or the like considerations, it is to be presumed, they advised the partition treaty.

But a storm, which they had twice before appeased, did, at the latter end of a session, blow again so hard, that it threw down all this fine projection, they were forced to quit. However, as soon as their treaty was made publick, they cried it up among that obsequious herd, whom they had
long

long accustomed to applaud whatever came from them; these they persuaded to approve of a counsel that did so plainly put an aspiring monarchy into a better posture, both at sea and land, to enslave Europe, than it was before the war. They themselves immediately became of a foreign faction which they had so much before exploded. They, whose principle it had heretofore been, that parliaments had a right to enquire into leagues and alliances, and to be consulted in matters which had relation to war and peace, came presently to give up that essential point, and to have nothing in their mouths but the prerogative. They who had ever valued themselves upon being the best patriots, and who had so eagerly promoted the giving upwards of 50 millions, were no longer solicitous to behold some fruit from the expence of such a treasure; though it was apparent all was thrown away, and that what remained to us of wealth or trade, would be but in a precarious condition, if France was to have so considerable an accession to its dominions in virtue of this treaty. The old enemies of that kingdom became of a sudden its warmest friends. They grew more familiar with that power which was once so dreadful to them, and the side heretofore suspected took up that publick zeal which the others had let drop as an unnecessary weight upon those who would make a high and quick flight to honours and preferments. They who had been said to favour France, only because they did not like the destructive manner of carrying on the war by a great land army, and a small fleet, showed most concern to see that kingdom rendered greater by a treaty, than the sword perhaps could have made it in some ages; while they who formerly could not sleep for dread of its power, were ready with palliating excuses to quiet the apprehensions of other men.

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This was the posture of affairs, when news came that the French King had accepted of the King of Spain's last will, which settled the succession upon the duke of Anjou. But then in a moment the persons I have been speaking of, gave their discourses quite another turn: France was again formidable, that court was without faith or honour, and the most bitter and indecent expressions were made use of; but our late men of business were not in this much to be blamed, for they had reason to be exceeding angry with those by whom they had been so plainly over-reached.

But, according to their wonted custom of blaming the throne for what fell out amiss, and of arrogating to themselves the praise of any successful counsel, peradventure they will say, they did not advise the partition treaty.

But, when ill measures are taken, who have Englishmen to accuse, but those who were in the administration of affairs? Does our constitution allow us to look any further than upon the ministerial part of government, who only can be accountable for what is done amiss? By our laws, the crown defends none but the sacred heads that wear it. No man in this country can plead superior command, obedience to the Prince, directions or orders in any function of his office, by which the state is prejudiced.

We can look upon none but those who sat in council, and were in the cabinet while these matters were transacted. It is they should satisfy for the reputation we have lost, by having been so shamefully made the tools by which the French ministers have wrought their ends.

If any mischief happens to Europe, it is they must answer for it, who were the authors of this counsel. But still they will urge, We knew nothing
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of it; it was agitated without our participation. But, thus to justify themselves, is worse than if they acknowledged their misdemeanor. Would they be in the principal offices of the state, and suffer things of the highest nature, and greatest consequence, to be transacted without their privity? Let them give an instance of any whole set of ministers that ever submitted to such usage. No examples of it can be given in the history of any nation. What, participate in the danger, and by the laws to be accountable, and yet not to be made acquainted with what was doing? It is absurd to imagine, that men could serve upon such terms: no, we ought rather to believe they were the first devisers and prompters of this fatal counsel; suggesting, that the people would approve of it, and that they could procure a majority to give into it. For who can more reasonably be thought the authors of an advice, than they to whom the advantage of it is to redound? Did not this treaty make England a strict ally with France, which is the best crop, and most profitable game that corrupt statesmen could possibly wish for. Besides, it made an unjustifiable war necessary, which made way for fresh taxes, of which they hoped to have again the handling, and gave room for new projects, which were their province. Such a war made men useful that were ready to do any thing, and to embrace any desperate measures, and brought them again into play. In short, it introduced that confusion by which they were wont to thrive and prosper.

There is not the least ground to imagine this matter could have any spring but in themselves: let them not therefore (as they have tried in other instances) endeavour to throw the blame upon their master, whose wisdom and deep reach is sufficient to fathom all things but the depth of their malice
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and corruption: noble natures are most liable to be injured, because they are not apt to entertain suspicion, especially of those whom they have loaded with their favours; nor can a good man readily conceive there is such a species in the world as a treacherous or an ungrateful person. We all know he had no part in this treaty, but as he trusted in their false representations of affairs both abroad and at home. They told him, no doubt, that the people here would incline to it; that the emperor, in the conclusion, would not much dislike his share; and that the Spaniards must at last acquiesce in it. But what, as we may guess, prevailed most, was, he could not suspect in any other Prince that insincerity and evil faith which could never enter into his heroick heart. Though a war was sure to afford matter for his glory, he thought it not so desirable at a time when the publick was so oppressed with debts; and, as good Princes have ever done, he consulted his people's welfare even before his own fame, hoping by this league to have settled that peace which his valour had procured for Europe.

But, so false were their representations, that the treaty was no sooner divulged, but all mankind here expressed their aversion to it. It had not a single advocate in England, except those who were suspected to be its contrivers, and a few of their partakers. It struck men with horror to think of English fleets, and English armies, to be employed to add provinces and kingdoms to the crown of France.

There was not a man so little versed in affairs, that did not plainly foresee Spain would suffer any extremity rather than permit their monarchy to be dismembered. Every one foresaw the grantees would never forego so many rich and noble governments,

ments, of which they were to lose the hopes, if the treaty took effect. Those of Naples, Milan, and Sicily, were to be lost forthwith: and their crown, robbed of such jewels, could not have long preserved the governments of Flanders, Peru, and Mexico. Could any reasonable man believe, that an ambitious, expensive, and indebted nobility, would consent to be divested of posts that yield such immense revenues? The contrary was visible to all the world; and it was plain they would pursue the measures which afterwards they took.

But nothing surprized thinking men more, than to find our statesmen had inserted no article to explain what the King of France should do, in case the crown of Spain were bequeathed to any of his grandsons.

It was notorious to all Europe, that Monsieur de Harcourt had negotiated this affair at Madrid for above 2 years; insisting, by very strong and urgent memorials, that one of the Dauphin's children should be declared successor in some solemn manner: and they who are ever so little conversant in the histories of Spain, know, that the Kings of that realm have, for some ages, pretended a right to dispose of that crown by their last will and testament. How well grounded their claim may be to this power, I shall not argue here, but of what I have laid down, many instances may be produced: others there are, but at present they occur not to my memory. D Pelaio, their first King, after their invasion by the Moors, bequeathed the crown of Oviedo to his daughter Ormisinda, and her husband D Alphonso, in case his son Favela died without issue, which happened, and the will took place. This was about the year 737. About the year 813, D Alphonso II. would have bequeathed the realm of Oviedo to Charlemagn; but his earls and great
men

men opposed the succession of a stranger. About the year 1152, Alphonso, styled the Emperor, divided his dominions, by his last testament, between his two sons, Sancho and Ferdinand. In the year 1283, D Alphonso XI. in hatred to his rebellious son, D Sancho, bequeathed his crown to his grandchildren of the house of Dela Cerda, the true heirs; and, in default of their issue, to Philip of France, and his descendants; but this will did not take effect. About the year 1405, D Henry the Bastard, who had usurped from D Pedro the Cruel, disposed of the crown to his son D John; and afterwards, in default of this issue, to his daughter Catherine. This has been done likewise in Arragon; for, in the year 1416, King Ferdinand, by his last testament, bequeathed the kingdom first to his son D Alphonso, and his issue; for want of which, to the brothers of Alphonso; and if these failed, he substituted the children of his daughters, but excluded the mothers. About the year 1479, King John of Arragon, by his will, left the crown of Arragon to his son D Ferdinand, and the crown of Navarre to his daughter Leonora, widow to the earl of Foix. The Kings of Spain have also pretended to a power to direct, by their last will, how, and by whom their kingdoms should be governed after their decease. Thus, about the year 1516, King Ferdinand bequeathed the government of Arragon and Sicily to Alphonso, his bastard-son, archbishop of Sarragossa, and to cardinal Ximenes the administration of Castile. And, in our days, Philip IV. by his last testament, entailed the crown upon his own issue-male; and, in case they failed, he bequeathed it to the Infanta Margarita, his daughter, and her issue; if she had none, it was to go to the children of Donna Maria, the empress, his sister, at that time deceased. To these, in case

they had no issue, he substituted Donna Catherina, his aunt, dutchess of Savoy, and the children descending from her, excluding for ever his daughter Theresa, the late Queen of France, and the issue she should have by that King, from the succession. And, in one article of this will, he mentions that of Philip III. his father, by which the Queen of France was likewise excluded; saying, it stood always as a law established between both crowns. And, in a clause of his own testament, he says, It shall be observed as a law established, and as if it had been approved and ratified by the Cortes or States-general of the kingdom.

It is true, this doctrine, that Kings should have such a power to dispose of their realms, may sound strangely in other countries; nor has it always passed in Spain for law; but the instances I have noted were sufficient to justify cardinal Portocarero, and those of his faction, in what they did. And, when they saw themselves threatened with a league powerful enough to force any conditions upon them, when they contemplated the fears that had seized all the Princes and states of Italy, who they were sure would join with them to embrace any measures, rather than see Naples and Sicily annexed to, and Milan under the influence of France; when they considered how poor a figure they should make in the world thus dismantled and dismembered, could less be expected from them, than that they should have recourse to what had been their former practice?

But, to come more closely to the point; is it not apparent, that, while this matter was in agitation, nothing was more discoursed of, both here and in all foreign courts, than that the King of Spain would bequeath his realms either to the archduke of Austria, or to one of the Dauphin's children.

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And, if they who advised this treaty thought it would best maintain the peace of Europe, and most conduce to preserve the balance of power; why did they not, by some express article, stipulate, that the King of France should stick to the alliance, and renounce all pretensions he or his family had, or might have, even though the crown of Spain should be left to one of his grand-children by that infirm Prince, who was known to be in hands that could turn and wind him as they pleased? Had not this been a necessary caution? Would it not have given some better consistency to the league? Would it not have left the French less excusable, in case they broke it? But, as the treaty is couched and worded, the King of France is plainly left to his alternative, and to the choice of what he should like best, either to annex new provinces and kingdoms to his own crown, or to fix the sceptre of Spain in the house of Bourbon.

And, since we can hardly think him so weak as to be swayed by any paternal fondness, but rather, in all his actions, to consult his greatness, we may conclude he believed, that to accept of the will, would most tend to increase the strength and power of France: and though one of the heroes of antiquity would hardly have resorted to such a subterfuge or excuse for breaking a league so solemnly made; yet, by the negligence or ignorance of those who managed this affair, there is some colour for him to alledge, that this will had altered the case, and introduced new matters that were not comprehended within the conditions of the treaty: therefore, our men of business should have provided against all possible cavils, this chiefly which was so obvious; What will you agree to, in case the King of Spain's last testament be in your favour? Shall the league, nevertheless, remain in force? Without

doubt, our statesmen should have inserted all the binding clauses that could have been devised, considering that in every French minister they had a Proteus to deal with.

But, which way soever we contemplate our affairs, how they would have stood in case the league had taken effect, or what is like to happen now there is this close conjunction between the powers of France and Spain, which, by several treaties between these two kingdoms, and in the last testament of Philip III. and Philip IV. in express words, is declared so dangerous to all Europe; the treaty gave the French too much, and the will may in time enable them to seize the whole. Let us take our view either way, it affords such a prospect, as ought to raise the utmost consternation in every English heart.

But they who had the administration of our business, will perhaps say, How was all this to be avoided? These were foreign transactions which lay not in us to hinder. As to the treaty, we saw the whole was in danger, and were desirous to preserve a part. If, as we intended, Spain, the Netherlands, and the Indies, had been left to a branch of the house of Austria, it had been a foundation of strength for such Princes and states to join with, as were willing and able to hold the balance; but, can we help it, if nations will not maintain the faith of publick treaties? And as to the will, was it in our power to keep the court of Spain from entering upon a council, dangerous indeed in its consequences to the trade and safety of this kingdom?

To which may be very well answered, That all this had been avoided by consulting with a parliament, which, in all likelihood, could have given a turn to these foreign transactions more tending to the general good of Europe.

A treaty

A treaty thus privately carried on, was never like to take effect; for the people of England have never shown themselves willing to engage in a war, concerning which they have not been previously consulted; it was therefore reasonable to advise with those at whose expence it was to be carried on. However, if they have done so, and if what they had offered had been closed with, they stood justified, whatever the event had proved.

But, if this overture from France (for from thence I hope it came) had been laid before a parliament; if it had been opened that France stood upon these terms, expected more, and would not be content with less, we had at least been acquainted with our danger, which was one step towards being in a condition to prevent it.

But, in all probability, a parliament, ever jealous of any accession to the French power, would have rejected the proposal of such a league; from whence naturally would have followed addresses for stricter alliances with the house of Austria, votes to support its interests, preparations to oppose any attempts of France upon Spain, embassies to Madrid, whereby our friends would have been kept in heart, and the opposite designs might have been a little more discovered.

All this would have cheered the Princes and states of Italy; it would have revived the Germans, and might peradventure have so discouraged the French faction in the court of Spain, and so heartened such Spaniards as continued good patriots, that this will had not been obtruded upon them, which very probably may end in subjecting their kingdom to a foreign yoke.

Thus our late men of business might have hindered these foreign transactions, or at least they might have rendered them of less dangerous con-

sequence to England, if they had thought fit to consult the parliament, then actually sitting, in a matter of that importance, as was this treaty with France and Holland to divide the Spanish monarchy.

But, to sum up their ill conduct: their corruptions make them love dark and secret counsels: this put them upon entering into such a treaty, without advice of parliament: the treaty, beyond dispute, occasioned the will, and we have reason to fear the will may produce these sad effects; that is to say, it has set up such a formidable power, as may, in no long tract of time, bring this side of the world under one superstition, and subject the best part of mankind to the tyranny of one single person.

After the peace of Ryswick, and after the death of the young electoral Prince of Bavaria; if, instead of forming this league, vigorous applications had been made to the court of Spain from England; the inbred aversion which the Spaniards have always expressed against France, would, in all likelihood, have produced a declaration in favour of the archduke of Austria, which was the only true expedient to keep the two great monarchies from being united, and to secure the peace of Europe.

But our late unfortunate statesmen, by the weakness (to say no worse) of their counsels, have so ordered matters, that those dangers are not now remote, at which England was alarmed, even in the reign of Henry the 7th, which his son, Henry the 8th, endeavoured, at a great expence of treasure, to prevent; which Queen Elizabeth, by her wisdom, actually kept at a distance; which, in the reign of King James I. so awakened the parliament; which made us so uneasy in the reign of King Charles II. and which to keep off, we have, since the Revolution, expended so many millions,

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All good Englishmen ought seriously to consider this reflection which Machiavel makes, “ That
“ when a Prince or commonwealth arrives at that
“ height of reputation, that no neighbour, Prince
“ or people, dares venture to invade him, (unless
“ compelled by indispensable necessity) he may do
“ what he pleases : it is in his election with whom
“ he will make war, and with whom he will be at
“ peace ; for his neighbours being afraid of his
“ power, are all glad to be his friends ; and those
“ potentates who are farthest off, and have no com-
“ merce with him, look on as unconcerned as if
“ the consequence could have no relation to them ;
“ and in this error they many times continue till
“ the calamities are brought home to their own
“ doors ; and then it is too late, for they have
“ nothing but their own private force to oppose,
“ which is too weak when the enemy is grown so
“ strong.”

In all probability, the French are now arrived to this formidable pitch of greatness, unless the Spaniards show more courage and conduct than has appeared in any measures they have taken for these last hundred years. It is true, if they can so prevail, as to make their young Prince become a good Spaniard ; if they can divide him from French counsels ; if they can once bring him but to think, that he is King of Spain, and no longer a cadet of the house of Bourbon ; if he can be induced to espouse the true interest of those who are now become his people ; if the quiet reception he is like to find, make French counsels and French supports no longer necessary to him ; if he can be brought to perform the duty of his high office in all its parts ; those fears will be somewhat allayed which we now labour under. We may yet go further, and say, that he gives promising hopes of
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his person; and that a martial young Prince, if he be endowed with any share of his grandfather's conduct and wisdom, may restore the affairs of that declining kingdom, and put Spain in a better condition than it has lately been, to oppose France in any attempts it may hereafter make upon the liberties of Europe.

But the contrary of all this is rather to be apprehended: it is to be feared Spain itself is utterly corrupted; that the great men among them will be tempted by honours, preferments, and pensions, to give up the interests of their native country: that the grandees will find their account better in preserving a strict correspondence betwixt the two crowns, than in keeping them at that distance, which would be safe for the rest of Christendom; for the creatures of a court always get more when bad things are in transaction, than when good and honest counsels are pursued. It is likewise to be feared, that the emperor will so far assert his pretensions, at least in Italy, that Spain, for a time, will stand in need of aids from France, which will make that union between the two kingdoms, so frightful to us, for some time, in a manner unavoidable.

It is true, this may be interrupted by future accidents, and time produces remedies which present wisdom cannot think of; but that which most alarms those who have any care for the publick, is, that this entail of the crown of Spain upon the house of Bourbon, may actually bring both sceptres into one hand; for if the duke of Burgundy should die childless, is any man so weak as to believe, the young King of Spain will quit his pretensions to that crown to his brother, the duke of Berry? No; whoever seriously reflects upon it, cannot imagine the French counsels did forego the advantages they
might

might have reaped from the treaty of partition, upon any other terms than the prospect which lay so fairly before them, that the death of any of these young Princes, without issue, would annex Spain to the crown of France, and so form that great, and, perhaps, universal empire, to which they have so long aspired.

This fear may indeed be removed, if the duke of Burgundy should have issue-male. But the dangers with which we are threatened, are certainly such as ought to put a prudent state upon its guard: the young King of Spain may take measures for the good of Europe; the duke of Burgundy, by a numerous offspring, may keep the two crowns still divided, and fortune may relieve those whom wisdom has forsaken; but still this league for the partition, so darkly entered into, will render all the parts of government very difficult for the future.

For what jealousies are not justifiable during the intermediate time? What Englishman can bear to see Flanders in French hands? And what mischiefs to our trade may not be expected from their being in a manner masters of the ports of Italy and Spain? So that our dangers are at hand, and in view, while the remedies to be proposed are distant and uncertain.

Have not then our late men of business brought difficulties almost insuperable upon any future ministry? And have they not so ordered it, that peace will bring a lingering, but incurable disease, upon us; and that, except fame, we can reap little from a war but the perils and losses with which it is like to be attended? Who can safely advise either? When the peace of Ryswick was concluded, England, without doubt, had willingly carried on the war 20 years longer, rather than such an accession should have been made to the
3 strength

strength of France; and we were then abler to do it, than now to make war 3 years; for while our trade was open, we could pay our armies and maintain our fleets without utter ruin; trade, in some degree, replenishing the body politick with that blood and those spirits which the war exhausted; but, as the case now stands, and as this fatal treaty has brought the whole dominion of Spain under the French power or influence, upon a declaration of war, an immediate and full stop must be put to the greatest part of our foreign traffick.

Popular assemblies are generally most captivated with those counsels that have the appearance of being generous and martial, such assemblies especially as represent a warlike people; and I do not remember above one instance in our records or history, where the parliament declined engaging in a war with France; it was in the time of Hen. III. who had the misfortune to have a constant succession of ill ministers during his whole reign: and indeed, when bad ones have been any time in possession, they so perplex affairs, that they render it almost impracticable for a better set to come in and help the commonwealth: and it was out of hatred to this sort of men, that the barons and great men of that time refused to join in the expedition Henry made, upon which great calamities happened to him, and to the army he carried over.

If a war be necessary for our own, or the preservation of our allies, is there a man of honesty or honour that will not give his suffrage to enter into it forthwith? We may be divided in other matters, but sure we shall unite in this point, not to submit to a foreign yoke. I may go further, and say, that he does not deserve the name of an Englishman who is not desirous to obviate remoter fears, and who is not willing to spill his last drop
of

of blood, rather than the French should be left in a condition to insult and subdue one nation after another, till at last they have formed a power which nothing shall be able to resist. Such must not only have lost all their honesty, but all their understanding, who do not think we are, in this juncture, to do our utmost to secure Holland by a sufficient barrier; nor can we prudently let the Emperor, the King of Portugal, or any other Prince, be oppressed, who is able to bear a part in a strength to be confederated against those who would swallow all. If this cannot be negotiated by treaties, and if such a peace as this side of the world may securely rely upon, is not in a short time fairly consented to, who will not give his voice for endeavouring to obtain it virtuously, and, as our ancestors were wont to do, by force of arms, and with such fatal resolution, and with a courage so determined, as may make them perhaps doubtful of their own safety, who now threaten to invade their neighbours?

The attempts of a free people, firmly bent so to continue, are higher, and of a nobler nature, than the military exploits of a dispirited country reduced to servitude; and we shall never be afraid to meet them at sea, or in the field, though with unequal forces. If any among us seem at present willing to embrace peaceful counsels, and to decline entering upon immediate action; it is not that they doubt themselves, or dread the adverse strength, or that their ancient enmity to France is buried in oblivion, which was born with us, and which will subsist as long as Englishmen are touched with any care for their religion or their liberties; but if any appear less forward than the rest to engage in a new war, it is upon considerations of another kind.

They are not so apprehensive of coping with any foreign strength, as they are fearful they shall be
compelled

compelled to enter into fresh conflicts with the enemies of England, whom they had almost subdued, but who begin now again to erect their heads, having some prospect of trouble and confusion. They are jealous that war, as it first introduced upon the stage of business, so it will again bring into play the very set of men whose ruinous conduct for 8 years, was a greater weight upon this kingdom than all our other burthens: they are afraid the same vipers will once more have an opportunity to rend and gnaw the entrails of the commonwealth: they are under apprehensions of seeing a war carried on upon the same foot as formerly, that is, by a numerous land-army, and with a small fleet: they are fearful that 40 millions more will be handled by the same men, and with the same profusion: they expect to see the same set of men raise yet larger fortunes out of the nation's treasure. They know what a rich harvest war and a troubled state has in all ages yielded to ministers who are resolved to be corrupt: they expect to see new projects set a-foot, large supplies demanded, and no accounts truly stated: they fear to see high premiums and high interest once more in vogue, and to have the nation involved in yet a further intricacy of paper-credit: they doubt that such a debt will be at last contracted, and most of it abroad, as in time must impoverish and sink England: they expect to see managers demean themselves with their former insolence, countenancing their fellow-criminals, and discouraging those who would promote better government; for it will be hard, if, out of the many millions that must be levied every year to carry on a war, so much cannot be spared, and steal in under other articles, as may serve to form them a strong party, and give them once more that majority of which they were wont to boast,

boast. In short, being afraid the same persons will again grasp at their former power, good men hope no better than to behold a new scene of the same mal-administration in all our business.

For it is to be feared, that they who have any tenderness or compassion, will never be able to behold the calamities which a new war must bring upon their country, plunged already into such immense debts; at least, it is not to be imagined they will be active and instrumental in devising new projects, and in proposing more taxes, and in laying fresh burthens upon the people. On the contrary, it is more probable that good men will retire, and not be willing to meddle with the harsh business that must of necessity be performed, when once the drum shall begin to beat. Their ears can never endure the cries of the poor for want of trade and work; they cannot augment or forge fears to procure large aids; they cannot drill the people on with false hopes to make the affair in hand go the easier; they cannot neglect all care for the future, so they provide for the present exigency: they cannot willingly be brought to load the kingdom with any more remote funds, for the profit of foreigners, and to our ruin: they will tremble to ask for, and be ashamed to consent to sums which others may think absolutely needful. To be plain, good men are not endowed with the intrepidity in dangerous counsels, with the dexterity in deceiving, with the audacity in asking, with the pliant and supple temper of consenting, with the front in justifying false steps, nor with many other arts of which they made open profession, who pretend the late war was so successfully carried on by their management.

This being, in all probability, the case, and that they, upon whose abilities, wisdom and integrity, the nation relies most, will not be willing to meddle
in

in affairs at a time which is like to prove so full of trouble; it naturally follows, that the administration must again fall into their hands, whom long custom has hardened to oppress the people with taxes, whose conduct, of late years, has been so destructive, and who have already involved us in difficulties through which it will be almost impossible to wade.

It is the fear of such, and not the dread of foreign arms, that make some men doubtful what counsels to embrace. If we could be cured of these apprehensions, who would be unwilling to hear the trumpet sound? Is there a man that does not think it honourable for England to hold the balance? Are we not all equally afraid, that France, unopposed, may attain to universal empire? Do we not all think ourselves safe led by the King, and fighting under his auspicious banners? Will not nations crowd in to confederate with a Prince, whom, above all the Kings of the earth, it most imports to preserve the liberties of Europe? Does it not appear, that our fleet is not only in a condition to defend us, but strong enough to seek out any who shall declare themselves our enemies, and to carry to their very coasts the terror of an invasive war? We know the valour of our own troops; money will not be wanting; and we know how to open a new vein of treasure to maintain land and sea forces at any time, when the defence of England shall come in question; nor can Englishmen be ever afraid of engaging with a people, whom, for so many ages, they have been used to conquer. If we are capable of entertaining any fears, it is of the enemy within us; it is of that set of men, who so long have stood in battle-array against the ancient constitution of this kingdom, who so boldly have justified all sorts of corruption and misgovernment,
and

and who, for many days, did so strenuously appear for the keeping up of a land-army in the time of peace.

Let us be out of danger of falling into the same hands which played so foul a game before: let us be sure the money we are to raise is to defend the kingdom, and not to enrich them: let us be certain, that the wars we make are to erect trophies to our own honour, and not to build up their families; and there will be found but few persons unwilling to enter upon measures that shall be thought necessary in this juncture, to keep the power of France within due limits.

The partition treaty has wrought such effects, that the French are got quietly into possession of what they could not have obtained by force in many years; Flanders is in their hands, and the ports of Spain and Italy are in their power, so that we have now a difficult after-game to play; for nations show quite a different spirit and ardour when they contend to preserve what is their own, than when they fight to recover what has been lost for want of care and wisdom. It is a sad prospect to begin at what should be the end of our journey; and though our arms should be crowned with the success which may be expected from the justice of our cause, yet the most we can hope, is, that things shall be upon the same foot as they were when the peace of Ryswick was concluded; that is, Spain, in whatever hands it be, must have no more French garrisons in any of its dominions, and must be no longer under the influence of French counsels; for nothing less can secure our trade, and make Flanders a barrier to Holland. And, to be satisfied with less when the sword is once drawn, will neither consist with our honour nor our safety.

This gives us the prospect of a long, bloody, and expensive enterprize, which is no way to be carried
on

on but with infinite patience, courage, industry, and frugal management of the kingdom's treasure.

The people, coming out of a long peace, a vast trade, and an overflowing plenty, could bear the negligence and profusion which appeared almost in every article that had relation to the expences of the last war : but the case is now altered, we are pared to the quick, we shall be sensible of every tax, we have no exuberant wealth to throw away, and a very few of those errors which were heretofore committed, will undo us past redemption.

If then, to preserve Europe, and to maintain our post of holding the balance, must engage us in fresh action, it will give the people of England new vigour, spirit and life, to undertake the work, if they see the administration of their affairs put into the hands of a frugal and grave ministry, who will not make such very great haste to grow rich as their late predecessors have done ; who will have some other cares about them, than just how to procure an aid of money ; who will place the management of the publick revenues in skilful hands, and not make employments the rewards of flattery to the men in power, or of servile compliance, in a place that shall be nameless ; who will not let the nation be wronged in every bargain, and in every account that is brought before them ; who will take care that the accounts of the army and the navy be fairly examined into and stated ; and who will be so far from deceiving the King themselves, that they will not suffer him to be deceived by others ; who will not ask more than what is just needful, and look into the expences of the smallest sum that shall be granted : and who will have this honest notion strongly imprinted in their minds, that in times when their country is under calamities, it is by no means decent for the men trusted with her business,
to

to think of procuring high titles, or of erecting to themselves large and invidious fortunes; for the common people are impatient to see others flow in luxury and riches, at seasons when they are oppressed with want; and it is a kind of ease to them, that those above them should at least make some appearance of participating in the miseries they are forced to undergo.

With such a frugal management, and such a set of men as have been here described, this kingdom will not only be willing, but able to carry on another war. But, in a nation so industriously corrupted as ours has lately been, and where vice has got such a head and strength; and in a season when we are threatened with so many storms, it is to be feared, for the reasons already shown, the best and ablest hands will desert the service of the publick; but if they do, it will lie at their doors to have given the last finishing stroke towards the ruin of this constitution.

This is the time for men of probity and virtue to exert themselves, who should press forward to serve their King and country, and thereby to rescue both from those rapacious and unskilful hands, who, though they have already had the crop, desire still to be picking up the gleanings, of which too many now call out for war, (not to oppose France, or to preserve the balance, nor upon any motive of honour) but out of hopes it may afford new matter for their avarice and ambition to work upon.

They who love England, the King, and our ancient government, rely much upon those who, with not above 80 in number, did for several years so bravely charge through this mercenary and listless band. until at last, by having reason on their side, and by constantly pursuing the true interest of the nation, they made so many converts, as to be strong

enough to defeat and rout the adverse party ; and it is to be hoped they are now entirely masters of the field.

By going on in the same steps, and by being still guided by the same principles upon which they first acted ; that is, if they continue to promote thrift ; if they warmly animadvert upon any exorbitances in the ministry ; if they shew the same care as heretofore, of saving the kingdom's treasure ; if they persevere in watching all encroachments upon liberty, and our civil rights ; and if they pursue national good in all their deeds and counsels, they will always have the people on their side, with whose weight they will be able to bear down whatever opposition selfish and designing men may think to form against them ; and so they will be in a condition to save that country, which, by their vigilance and caution, and by their courage, mixed with temper, they have hitherto preserved.

Though our affairs have an ill aspect, yet they are very far from being desperate ; England can go a great way when it is compelled to exert its utmost strength, and a good administration will probably be followed with all sort of other good events. If it be objected, That we are a divided nation, and consequently, incapable of any great action : it may be answered, That these divisions will forthwith cease, when it shall become visible, that the best and ablest men only of both sides shall be made use of : but factions will continue on, if the project be to make an union between the worst and most profligate persons that are got to be considerable in either of the two contending parties ; and if it be intended, out of such a coalition, to compose a ministry.

To be strong abroad, we must have a steady and irreproachable government at home, which cannot
be,

be, so long as those persons remain unquestioned, and unpunished, who have been the chief authors of those counsels, under the bad effects of which we now labour. Can a citadel be safe that has enemies lurking within its principal holds, and perhaps commanding its very gates? Can foreign nations rely upon a people who show such weakness and negligence in matters of government, as not to call to account the persons by whose advice the treaty of partition was made; and the persons who made the second false step, of not advising to call a parliament immediately upon the first news of the King of Spain's sickness, which all the world then judged must prove mortal?

From these two fatal measures a train of mischiefs will follow, too long to be here enumerated.

In the first instance, they acted contrary to the methods observed by all our ancestors, which (as shall be demonstrated in the following discourse) have ever been, from the time of William the Norman downwards, not to make declarations of war, conclusions of peace, truces, leagues, alliances, nor indeed to transact any important matter, especially with the realm of France, without advice of parliament. And this has been so much the constant practice of all former ages, two or three reigns excepted, that it seems to have been one of the fundamental constitutions of this kingdom.

In the second instance, we have acted against the scheme for some time laid down, which was to have prorogations generally from month to month, (though with some hardship to the subjects, because of privilege) the reason of which was suggested, That a parliament might be within call, in case of any extraordinary accident, such as an invasion, while the war lasted; or, since the peace, in case the King of Spain should die.

These two counfels have led us into all our present difficulties. As to the partition treaty, if they who have the management of affairs are, upon any score, to be called to an account, it must certainly be when they have presumed to make a breach upon fundamental constitutions. Was it not an offence of the highest nature to advise an alliance with enemies but newly reconciled, and which, if it took effect, could have no other conclusion but to make us quarrel with those who had been our best and most faithful confederates? And to do this without their consent or privity, at whose expence the war was to be carried on, and at a time when the great counsel of the nation was actually assembled? When a war is begun, we all know honour or necessity will compel us to support it. And if ministers can, at their discretion, engage us in a war, it is they, and not the House of Commons, that keep the purse of England.

It is evident enough who made the first false step; but hitherto it seems more in the dark, at whose instigation the meeting of the parliament was so long deferred, when, in all appearance, the King's affairs required the immediate advice and assistance of his people.

It has been hitherto the practice of our late men of business, when at any time their proceedings have been enquired into, to purge themselves thus; They who went before us did the same things; which, however, is but a blind excuse for men who came in, and did set up upon the foot of reformation. And, in all likelihood, when they are under apprehensions of being attacked, they will again endeavour to justify themselves, by accusing such as they think may succeed them in the ministry, in hopes to drive parties into what has been heretofore called compounding. This game they have already begun

begun to play, by insinuating, that the parliament was kept off by new counsels; who they point at, we all know; but, when this whole matter comes to be thoroughly examined, it will appear out of what quiver that arrow came, and that the persons hinted at had no hand in this unfortunate advice; and that a speedy session was, above all things, their interest; and though indeed, from the moment the treaty of partition was made, our affairs were in so bad a posture, that all thinking men began to apprehend it was almost too late to call in the only true physicians, to consult upon the distempers of the body politick. The crisis of the disease was just when the peace of Ryfwick was concluded; our late men of business should then have communicated with the great counsel of the nation. And, when they themselves had suffered the malady to get to such a head, they are angry with others for not calling out for help sooner; whereas all wise men saw then, and think still, that they who are to minister to us in our sickness, must shake their heads when they come to consider how far we are now past a perfect cure; so much has our sound constitution of health been spoiled by quacks and empyricks. However, to quiet the minds of men, that they may not entertain suspicions of such a dangerous nature concerning persons who are trusted in high posts, and that the blame may fall upon the guilty, and no where else, this whole affair ought to have its due examination.

But, if we weigh and consider a counsel by the interest of the men who give it, there will be reasons to suspect, that they who advised the treaty of partition, might probably advise not to call a parliament upon the first news of the King of Spain's sickness. For, first, they could not think their project could stand the test of a House of Commons. Secondly,

To give the league its true and full operation, the French were to have some convenient time allowed them, in which they might take possession of the kingdoms and provinces that were allotted to their share; nor could the partition take effect, unless they were permitted to start first, whereupon Spain and the Emperor were to be forced to a compliance. All which might have been interrupted, if a parliament had either disliked, or openly opposed the execution of the treaty. And upon this account, we may with probability enough conclude, that its advisers did not believe it convenient to meet the people of England, till their designs were fully executed, and till the King of Spain was dead.

After this Prince's death, some days passed before the resolutions of the King of France were made publick; but when it was known that he had accepted of the will, and renounced his league, the consternation people were in to behold this great accession to the French power, the indignation it begot, and perhaps mere shame to have been so grossly deluded, might make our late men of business not so willing to encounter suddenly with a House of Commons: and all this might render them desirous to keep off the parliament's meeting for some days longer.

But still there is a space of time whereof no good account can be given, and in which they will pretend their advices were not heard. An earlier session was certainly to be wished for; but they who are disposed to judge favourably of things, may very well conjecture, that the last delay proceeded from that irresolution in counsels, which is always visible in a court, when considerable changes in measures or persons are proposed, or in agitation: however, without doubt, it is for the publick good that this whole matter should, at some convenient season, be set in its true light, and come to a fair examination.

And

And now, to conclude this discourse, which is swelled to a greater length than was first intended; nothing can more enable us still to maintain our post of holding the balance of Europe, nor contribute so much to our preservation, as for all good Englishmen to lay aside the name of parties, and to join in due obedience to the King, and firm zeal for his real service. He will perfect that deliverance which he began so nobly. In him we must place our hopes, whose present happiness, glory, and future fame, are so highly concerned, that an early stop be put to universal monarchy, which shall be the subject of a future essay.

And, to encourage his people to concur with him in this great work, nothing can more conduce than to see their liberties put upon so firm a foot, “That there may be no more danger of the nation’s falling, at any time hereafter, under arbitrary power;” the sweet prospect of continuing to be a free people, when almost all the world round us are slaves, will make us patiently endure the bloodshed, hazards, losses, and expence of treasure, which we must expect to undergo, if our own and the defence of Europe must of necessity engage us in another war.

They who talk of resisting France to the last drop of blood, and who yet are ready, at every turn, to give up our ancient constitution, deceive none but their own blind admirers. They who are most watchful over any invasion made upon our civil rights, will best defend us against foreign enemies. Nor indeed is England hardly worth the loss of one valiant life to defend it, if liberty, for so many ages struck at by the ministers, cannot be preserved.

The beginnings of arbitrary government are always light and easy, and its first steps are slow

and leifurely; but if power be fuffered to fpread itfelf, and to take deep root, and if it be not betimes oppofed, it grows at laft irrefiftible; for a thoufand circumftances concur to hinder the people from recovering any ground they have once loft; their friends are commonly divided among one another; corruption intervenes, or wealth makes them timorous. Their enemies agree in any mifchief; the means of corrupting is in their hands; they are liable to few fears, as having much to get, and little to lofe. So that they who love their country have been generally found to be but a disjointed and weak party, to withftand thofe whom defpair emboldens, whom their crimes render desperate, and whom their common guilt unites.

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Upon the RIGHT of Making

War, Peace, and Alliances.

KING James I. in a parliament held the 19th of his reign, having said, in a message to the House of Commons, That they were not to meddle with any thing concerning his government, and deep matters of state; and besides, that these were matters far above their reach and capacity: and, upon their advising, in an address, a war to recover the Palatinate; the same King having said, That they usurped upon his royal prerogative, and, “Ne futor ultra crepidam;” and, that intermeddling in parliament in matters of peace or war, or the marriage of the Prince, would be such a diminution to him and his crown in foreign countries, as would make any Prince neglect to treat with him: That they had left nothing unattempted in the highest points of sovereignty: That their address contained the violation of leagues, the particular way how to govern a war, &c. And King Charles II. having said, That the right of making and maintaining war and peace was in him.

And, since it is more than probable, that they who advised the partition treaty, did go upon the
like

like notions, taking for granted this doctrine which they had received from old flatterers of the court, who were then brought to flatter them, without examining what foundation it had in truth, law, or reason; some of these modern statesmen being so addicted to musick and poetry, that they had not leisure to consult the ancient historians, and our old records.

And, since the post to which England has pretended, of holding the balance of Europe, and which, it is hoped, we have not yet abandoned, may, in future ages, engage us in many foreign wars, if we think to maintain it as our ancestors have done; and the interruption of peace and calamities of war affecting the body of the people here in a more peculiar way, because now the Prince has no crown demesnes, nor no lands which owe him military service, his subjects bearing the expence of all his warlike expeditions; perhaps it may prove no unprofitable labour in the publick service to inquire how far, and in what manner the right of making war and peace, alliances and treaties, is, by the constitution of this kingdom, vested in the executive power?

The subject we are to handle is of a very difficult nature; but, as the author is induced to this undertaking by no motive but an earnest desire to serve England, so it is hoped what he shall here advance will meet with a favourable interpretation; and that, if he commits errors in so prolix and intricate a matter, they will be pardoned, because, upon a fair conviction, he will be ready to retract them forthwith, and in publick.

I cannot find when or how this doctrine crept in, That the right of making war and peace is indefinitely, without any sort of distinction or restriction, vested in the Kings of England; but certainly they
who

who advance it have neither read our histories, nor consulted our records. But, upon this notion, King Charles II. was persuaded to say to the Commons, who, in 1677, advised him to a war with France, and to enter into certain leagues for the preservation of Flanders, “ That they intrenched upon so “ undoubted a right of the crown, that he was “ confident it would appear in no age, (when the “ sword was not drawn) that the prerogative of “ making peace and war had been so dangerously “ invaded.” These, and the like words, having sometimes come from the throne, have given me the curiosity to consult those authors who are accounted the fathers of our law, to see whether such suggestions of the ministers were supported by any ancient authorities: and truly he who makes this search will find them either silent in the point, or laying down maxims quite of another nature.

Ranulphus de Glanvilla, who lived in the reign of Henry II. in his tract of the Laws and Customs of England, though he has often occasion to mention the rights of the crown, says nothing of this prerogative: nor is it contained in the book called *Fleta*, written, as is conjectured, in the same reign.

Bracton, who is supposed to have lived in the time of Henry III. and whose writings show him to have been an able statesman, as well as a sound lawyer, in one place enumerates all the principal rights of the crown, [Lib. 2. Cap. 24.] where it seems explained how far the King has the power of war and peace: he says, he has the material sword, as it has relation to the kingdom's government, and what belongs to peace, as far as he is to protect the people, and to provide that they may not injure one another.

Horn, who treats of government, in his *Speculum Justiciariorum*, written, according to the best conjectures,

conjectures, in the time of Edward II. sets up no such prerogative, and yet he takes notice of those that were very anciently esteemed to be vested in the crown. But, in his Chapter "*De Abusion de la Common Ley*," he comes very closely to this point, where he reckons it a part of the common law, that parliaments should be frequently called and consulted to correct abuses; and represents it as a breach upon our constitution in his time, "That affairs were managed by the advice of a select number; that foreigners had to do in our business; that things were governed by those who had not the courage to oppose ill measures, who never gave any counsels but such as they knew would please, and suited with the Prince's private interest, and not with the publick good; and that parliaments were not advised with, but only called together to give money." I have used his very words as near as I could translate them.

Britton, who lived in the reign of Edward I. in his book compiled by the King's command, and which runs in his name, has a chapter which treats of the regal rights, and yet there we find the Prince claiming no such prerogative or right. Nor is the doctrine to be found in Littleton, who wrote in the time of Henry VI.

Sir John Fortescue, versed in politicks, as well as in the law, chancellor to Henry VI. in his book "*De Laudibus Legum Angliæ*," does not endeavour to poison young Prince Edward's ear with any such arbitrary notions. Henry VIII. a Prince of inclinations despotical enough, could not, as I can find, influence his judge, Fitz Herbert, to fix any such right in the crown, though he has copiously handled the matter of prerogative; nor is it to be found in my lord Coke's *Institutes* or *Reports*; on the contrary, where he discourses of the matters of parliament,

parliament, he says, they are touching the King, the state of the kingdom of England, and the defence of the kingdom, &c. and remarks, that these words of the writ, "The State and Defence of the Kingdom," are large words, and include the rest. He observes, they are called, "Ad faciendum & consentiendum super negotiis antedictis."

If this had been a stated doctrine, a certain right, and an undoubted prerogative, it is impossible all these ancient and great men of the long robe should have been silent in the point; we have therefore reason to believe, that these and the like notions were started by modern flatterers, who hoped to promote themselves by advancing the prerogative beyond the intention of our laws.

Did it consist with the brevity intended in this discourse, I could plainly show, that, till of late years, neither in France nor Spain, nor indeed in any of the governments formed after the Gothick model, did Kings ever pretend to make war, peace or alliances, without the consent of their people assembled for that purpose; and in England, the precedents in this point are as clear as they are numerous, from the time of William the Norman downwards.

* Pursuant to this, William I. when he designed the invasion of England, consulted his barons and great men of Normandy, and, with their advice, undertook the expedition.

† William Rufus thought the barons had such a concern in what related to peace and war, that the peace which was made between him and his brother duke Robert, was sworn to by 12 barons of each nation.

* Chronicon, Col. 958. N^o. 30. Col. 479. N^o. 30. & Col. 2339. N^o. 20, 30.

† Chronicon, Col. 216. N^o. 20. & Col. 986. N^o. 50.

* In the reign of Henry I. the peace which was made between Henry and his brother duke Robert, was again sworn to by 12 barons of each side.

† In the next reign, which was that of Stephen, the peace which was made between him and Henry Fitz Empress, (who had the true title to the crown) was confirmed and sworn to by the prelates, barons, and all the great men of the realm. ‡ Gervasius the monk is yet more particular in the point, who says, the earls, barons, and great men of the realm, swore to and confirmed the peace.

In the next reign, which was that of Henry II. || Hoveden tells us, how that some differences had happened between Alphonso, King of Castile, and Sancho, King of Navarre: both these Princes had agreed to make King Henry arbitrator in the matter; each consigned three castles, which were to be forfeited by him who refused to stand to the award, and for this a treaty had been signed. § The King did not think fit to make any determination in this point, but in his high court of parliament, where he ordered the ambassadors to deliver what they had to say. Their mutual demands, one upon another, were produced: ** After which, the earls and barons of the royal court of England adjudged plenary satisfaction to be made by each party, of what was rightfully demanded by the other upon the premises.

And, as mad as the world was in that age of going to the Holy Land, our Princes did not think they could undertake even those expeditions without the advice and assent of their people. For the

* Mat. Paris, p. 58. No. 20. & Chronicon, Col. 998. No. 50, 60.

† Mat. Paris, p. 86. No. 20.

‡ Chronicon, Col. 1375. No. 1.

|| Fol. 321. No. 20.

§ Ibid. fol. 320. No. 40, 50.

** Ibid. fol. 322. No. 20.

same King having designed a crusado, called, * a General Council at Gaintington, of the prelates, earls, and barons, and many others, as well of the clergy as of the laity, and there communicated to them the articles agreed upon between him and Philip of France for this expedition: and Gervasius tells us, † That in this general assembly of the estates of England, the conditions, form and method of the crusado, were debated and agreed upon.

In the next reign, which was that of Richard I. ‡ Matthew Paris tells us, that Philip Augustus, King of France, sent ambassadors to Richard, signifying, that he and his barons had devoted themselves by oath to an expedition for the Holy Land, desiring that Richard and his barons would do the same; whereupon Richard assembled at Westminster a council of the prelates and great men, and communicated to them this embassy; and in that assembly the said expedition was resolved upon.

In the next reign, which was that of King John, we find indeed a King doing things of the highest consequence, and making treaties without the assent of his barons and great men. But what effect did these measures produce? || Did not this Prince, as much as in him lay, render himself and the nation vassals and tributary to the Pope, by the surrender he made of his realm to Pandulphus, the Pope's legate, and by the charter he signed to that purpose. This treaty, which King John entered into without consulting the barons and great men of the kingdom, produced innumerable mischiefs in the reign of Henry III. his son; for, as § Matthew Paris tells

* Hoveden, fol. 366. No. 20.

† Chronicon, Col. 1522. No. 1.

‡ P. 155. No. 50.

|| Vide Chronicon, Col. 2419. No. 30.

§ Pag. 524. No. 20.

us, under colour of this charter, the Pope made very great exactions upon the clergy, which being upbraided to him by the Emperor's ambassadors, (who at that time desired his aid) he gave this shameful answer, "That he ought to obey the Pope and his ecclesiastical commands, in regard he was his vassal and tributary." And, in return of this, the Pope assisted Henry in all the invasions he made upon the liberties of the people. To such inconveniencies may whole nations be brought by an alliance concerted only in the court, to which foreign Princes may perhaps think the people bound, though (as in this made by King John) they never consented to it.

In the next reign, which was that of Henry III. we find, where parliaments have not been consulted, they have not thought themselves obliged to pay the expence; for, as we learn from * Matthew Paris, King Henry held a parliament at Winchester, where he desired an aid from his people, in regard his own treasure had been exhausted with paying his sister's portion to the Emperor, and by his own wedding. The parliament replied, that these things had been done without advising with them, and without their consent; and, seeing they were free from the fault, they ought not to participate in the punishment. The Poictovins, to serve their own turns, had, at another time, engaged him in an unseasonable war with France; upon which he called a parliament, and desired an aid; upon which the barons told him, he had undertaken it unadvisedly, † "Quod talia conceperat inconsultus." And that his parliament wondered he would undertake so difficult and dangerous a business without their advice and assent.

* P. 435. No. 40.

† Ibid. p. 580. No. 10, 20.

In the next reign, which was that of Edward I. upon the death of Alexander III. King of Scotland, there arose a dispute among the Scots about chusing a husband for Margaret, called the Maid of Norway, daughter of Eric the Norwegian, and grandchild to Alexander. These differences were no sooner composed, but the virgin died, upon whose death there were several competitors for the crown. Edward, as superior, or direct lord thereof, called a parliament, by their advice, to determine this controversy. [Rot. de Super. Reg. Ang. in Reg. Scot.] And sentence in this great cause was pronounced judicially by the King, (as the same record takes notice) by the advice of the prelates and noblemen of both kingdoms.

The same King, (as * Matthew of Westminster tells us) in the 21st of his reign, summoned a parliament, where the state of the war was opened, the embassies were related, and those who had been employed by the King in foreign negotiations, gave an account of their respective transactions, and this in a full assembly, where all assented to recover Gascony by force of arms; and in this parliament an aid was granted, and an embargo laid upon our own ships.

The same Edward made an alliance with the earl of Flanders. He gave this reason for it, that the King of France oppressed the said earl, and therefore, because he was so strong and powerful, not acknowledging any superior, by the advice of his prelates, earls and barons, he made alliances and covenants with his friends, to endure from that time for ever; and particularly with the earl of Flanders. Confed. int. Reg. & Com. Fland. Rot. Pat. 25 Edw. I. p. 1. Memb. 18.

* P. 421. No. 20.

In the next reign, which was that of Edward II. in the 5th of that King, it was enacted, That the King should not undertake a war, nor appoint a guardian or lieutenant of the kingdom, nor go out of the realm, without the assent of his barons in parliament; and summons to attend him, without the said assent first had, were to be void. And, though this was one of the ordinances made by the Lords appointed, with the King's assent, under the great seal, to make laws for better government, and was repealed in the parliament held at York, 15 Edw. II. yet, by the preamble, it appears no new thing was done, and that the same was the ancient law of England. The roll begins thus: "Forasmuch as the King ought not to take in
" hand a war, nor to quit the realm without the
" assent of his barons; be it ordained, &c." Rot. Ord. 5 Edw. 2. No. 9.

In the 9th year of the same reign, the King himself present in parliament, ordered the occasion of the meeting to be opened, which was the war with Scotland, desiring to be advised and assisted therein by his people. At the same time, the whole militia of the kingdom were raised by authority of parliament, and ordered to be ready by such a day, at Newcastle upon Tyne. Rot. Parl. 9 Edw. II. No. 1.

In the next reign, which was that of Edward III. the chancellor, by the King's command, consulted the parliament upon the present state of his affairs, whether he should join issue with the King of France in referring the differences between them, or whether he should treat amicably with him, or proceed to open war. The prelates, earls, barons, and other great men, answered, and advised, that either a reference or a war were both full of dangers, and are rather of opinion for a treaty: but secretly
being

being required in it, the chancellor, from the King, desires them to say whom they would have, and what persons they would advise should go and make the treaty; to which they replied, that the King should name whom he thought fittest; upon which the King in parliament named the commissioners for this treaty; and part of their power and business was there prescribed to them. Rot. Parl. 5 Edw. 3. No. 3.

In the same year, the King was desired to go over into Ireland in person, to suppress the commotions there, with as much speed as possible: it was there likewise agreed in parliament, in what manner the Lords and great men who had possessions there, should act in relation to the defence of that kingdom. Rot. ibid. No. 4.

In the 6th of the same reign, the King consulted his parliament about an intended expedition to the Holy Land with the King of France, and it was consented to in parliament. Rot. Parl. 6 Edw. III. Pt. 1. No. 5.

In the reign of this active and martial King, there was no point of government relating to peace, war, and alliances, in which the parliament was not consulted. But perhaps it may be objected, that the King was then young; let us therefore see what he did when he came to riper years.

In the 17th of the same reign, the causes of summoning the parliament were opened to be, To treat and advise with the Lords and Commons in relation to the truce lately made in Brittany, between the King and his adversary of France. Rot. Parl. 17 Edw. III. No. 7. And he acquainted them, That because the war was undertaken by the joint consent of Lords and Commons, he would not treat of a peace without the like assent of his people. Ibid. No. 8.

The Lords answered, Their opinion was, That the said truce was honourable and advantageous. And they agree and assent, that the truce should continue and be observed; and the Commons answered, They were fully consenting and agreeing to this truce, that a good and honourable peace might follow. Ibid. No. 9.

In the 18th of the same reign, we find the King again consulting Lords and Commons in matters relating to war and peace; and not only so, but both Houses advised him in the very manner of making war. With one assent they advised him, That, in regard of the many perils that might happen to the King, his subjects and allies, if a stop were not put to the malice of his adversary, and considering the great expences England bore in a war thus lengthened out by fallacious truces; and perceiving plainly that a peace was not to be come at but by proceeding with more vigour; they therefore desire him to put an end to it, either by battle, or a sound peace, if he can have it; and they further desired, when he should be fully provided for the expedition, that he would not put a stop to it till all was ended one way or other, upon letters, or at the intreaty of the Pope, nor of any other Prince. Which the King granted. Rot. Parl. 18 Edw. III. No. 6, 7, 8, 9.

In the 21st of the same reign, the causes of calling the parliament were recited; of which the principal was, To advise concerning the truce, which was then near expiring, viz. What should be done when it was expired? The Commons answered, That as to war, and the preparations of it, they were so unknowing in the matter, they could not give any advice in it; they therefore desired the King to proceed in it as he should be advised by the Lords, and the wise men of his council,

council, and that they would assent to what should be agreed upon by them. Rot. Parl. 21 Edw. III. No. 4 & 5.

The advocates for arbitrary power will perhaps instance this precedent, to show that the Commons ought not to think war and peace their province. But first, here is nothing that impeaches the right of the House of Lords; they were still to be consulted. Next, let us consider the circumstances of the time, which will plainly show, the Commons had good reason for desiring to be excused from interposing with their advice: for, at that very season, money had been levied without act of parliament, of which they complained by petition, Rot. ibid. No. 44. It appears from the record, that there was then in England a standing army, to maintain which, money was unlawfully raised: and, when the nation was injured in so fundamental a point, it had been to no purpose, and the House of Commons were certainly in the right, not to give the ministers so much countenance, as to concern themselves in war or peace, or with any other thing that was then in agitation. But this wise King soon redressed that grievance, after which there was a better understanding between him and his people.

In the 28th of the same reign, the cause of summoning the parliament was declared to be, The treaty of peace with France. It was opened to the Lords and Commons, That there was a treaty depending, and in good forwardness, which the King would not conclude without the assent of the Lords and Commons; they were therefore asked, by the King's command, Whether they would assent to a peace, if, by treaty, it could be had? The Commons answered, That what issue in this matter pleased the King and the Lords, would satisfy them:

but this was not thought a sufficient consent; the lord chamberlain therefore demanded of the Commons, Do you then assent to a treaty of perpetual peace? Whereupon they unanimously replied, Yes, yes. Rot. Parl. 28 Edw. 3. No. 58.

In the 29th of the same reign, the occasion of the summons was opened, and it was declared to be the peace then in transaction with France. Upon the whole, he desired the advice of his parliament, what was best to be done to put an end to the war, and how he might be enabled to conclude it with less grievance to the people, and most advantage to himself. Rot. Parl. 29 Edw. III. No. 10.

In the 36th of the same reign, the affairs of Scotland were debated in the House of Lords, and, by the King's command, there was opened an offer, in order to a future peace, which had been made at York, at a treaty between the King's commissioners, and those of David Bruce, King of Scotland. And it was asked of the Lords, What they thought of the said offer? Who unanimously answered, They could not assent to it, as prejudicial to the King's crown. Rot. Parl. 36 Edw. III. No. 6.

In the 40th of the same reign, the King consulted his parliament in a very high point of state, of which war might probably have been the consequence, the superstition of that age considered. It seems the Pope (Urban V. sat then in the chair) had a mind to renew a groundless pretension he had upon this realm, in virtue of what had been transacted, anno 1212, between King John and Innocent III. It was opened to both Houses, how the Pope claimed, that England and Ireland should be held of him in homage, under the annual acknowledgment of a thousand marks. He desires therefore to be advised by the Lords spiritual and temporal, how he should act, in case the Pope proceeded

ceeded any way with him or his kingdom about this pretended claim. The Lords answered, That King John, nor no other, could put the King, his realm, nor his people, under such a subjection, without their consent and agreement. The Commons were consulted in the matter, and gave the same reply. Upon which an act passed, declaring the invalidity of what King John had done: that if he had made the pretended subjection, it was against his coronation oath; declaring further, that if the Pope went about by suit, or otherways, to compel the King or his subjects to this homage or payment, they would resist and contest to the utmost of their power. Rot. Parl. 40 Edw. III. No. 7, 8.

In the 42d of the same reign, the parliament was consulted about a treaty of peace with Scotland, then upon the anvil. Rot. Parl. 42 Edw. 3. No. 7.

In the 43d of the same reign, the sessions was opened with these words: Sirs, The King, in all great affairs that touch him or his kingdom, has ever acted by the advice of his Lords and Commons. Then it was shown, how that the King, by advice of parliament, had made a peace with his adversary of France, upon certain conditions, (viz.) That the said adversary should deliver up certain territories, and pay certain sums at times limited in the treaty; and that, further, the said adversary should forego the superior dominion or sovereignty in all the lands and countries which the King held in Gascony, and in all the lands which the King held beyond the seas; and that the King should forbear stiling himself King of France during the said term. Then it was set forth, how the said adversary had performed no condition of the peace, and had summoned the Prince of Gascony to appear before him at Paris, contrary to the treaty; and had made war upon our sovereign Lord the King: that

that hereupon the Prince had called the states of Gascony, who were of opinion, that, by reason of these infractions, the King ought to resume his stile and title : and upon this, the prelates in parliament were charged to deliberate, and to deliver to the King their advice and counsel : whereupon the said prelates, upon mature deliberation, answered, That the King, in right, and in good conscience, might resume the said stile ; to which the Lords temporal and Commons, in full parliament, assented. Rot. Parl. 43 Edw. III. No. 1, 2, 3, 8.

In the 45th of the same reign, the cause of summoning the said parliament was shown to be, That the French King was making very great preparations, such as not only threatened the loss of the King's dominions in France, but to invade England, and to destroy the navy. The King therefore charged the Lords and Commons to advise with themselves upon these points, and to give him counsel how his kingdom might be defended, how his navy might be preserved and maintained against the malice of his enemies, how his foreign territories may be guarded, and how he might make war in those parts, and conquer the same. These are the very words of the record, and I think home enough to our present point. Rot. Parl. 45 Edw. III. No. 1.

In the 50th of the same reign, the cause of assembling the parliament was declared to be, to advise with both Houses, how the war with France might be carried on with greater vigour, and more to the honour of the King and kingdom ; and the chancellor affirmed, that the King had ever moved by their advice and assistance, which had been attended with success ; that he intended to pursue the same course, and desired then to be advised by them in the present occurrences. Rot. Parl. 50 Edw. III. No. 2.

Thus, in this warlike, prosperous, and wise reign, Edward III. called 16 several parliaments, that he might confer with his Lords and Commons, as the records plainly show, in matters relating to his foreign wars, truces, his leagues, alliances, and treaties of peace.

And, in the last parliament summoned to this purpose, we find it solemnly declared, That these good measures had been fortunate both to the Prince and people. And though, in the next reign, the ministers began to give themselves other airs, yet we shall see this right of the Lords and Commons of England asserted and continued.

In the next reign, which was that of Richard II. 14 articles between the King and the duke of Brittany, touching the castles and lordship of Brest, were read before the Lords, and all agreed to except the 12th, which was remitted to be better considered of in council. Rot. Parl. 1 Rich. II. No. 34.

In the 6th of the same reign, we find the parliament consulted in a high point indeed. The bishop of London opened to both Houses, How that the kingdom was never environed with so many perils, both at home and abroad; that it was upon the very brink of being conquered, and the English name to be extinguished; that there was nothing left but to yield, or vigorously to defend themselves; that, in the midst of all these dangers, God had opened two ways by which they might arrive at safety with honour. One was, by a good alliance with those of Flanders, which was offered; that this way was noble, and gave us large opportunities to annoy the enemy, and that it were pity not to keep it open. The other way was that of Portugal, to preserve our interest in Spain; that, in the then juncture, no place in the world seemed of such importance

importance as Portugal for a good and speedy conclusion of our wars. For if the duke of Lancaster could get to Portugal with sufficient forces, considering the strength already there, in half a year after his arrival, he would either be crowned in Spain, or have a battle; and, if he should succeed, the remainder of our wars would not be difficult: that therefore this business of Spain should be principally in their thoughts, and there they should employ their pains, diligence and expences, as what, if it came to a good conclusion, would bring lasting rest and quiet to England. The bishop, to encourage them in it, according to the superstition of those times, told them, the Pope had granted to the Duke a Crusado, so that they who accompanied him in this voyage should have the merit, and gain the same indulgences as if they went to the Holy Land. The expedition of the Duke was agreed upon, and provided for in this sessions. Rot. Parl. 6 Rich. II. Part 1. No. 10, 11, 12, 13, 14, 15, 23.

In the 2d sessions of the same parliament, the chancellor declared the reasons of the present meeting, How that the King had designed to go in person to France, to recover his rights there, for which an aid had been granted. That, as soon as the sessions were ended, very displeasing news came to the King; how that his adversary of France had invaded Flanders, and, in a battle, defeated his friends and allies; and that he had subdued the whole country, except Gaunt, which still held out: whereupon the King had called a great council at Westminster, where there were present most of the Lords spiritual and temporal, and many of the most sufficient batchelors of the realm, before whom these tidings were related; and it was the opinion of all, that, for the relief of Gaunt, and recovery of Flanders, the King should go over in person, with

with his royal army. But, inasmuch as this was a business so very weighty, relating to the government of the realm in the King's absence, none durst finally assent either way without a parliament. The King did therefore most earnestly charge and desire, That the Lords by themselves, and the Commons by themselves, would deliberately advise upon these matters; and especially, Whether the King could, or ought to go over in person? And, if they thought he could not, without hazarding his reputation, undertake the voyage, then, that they would advise what army should be sent, and what sort of expedition there should, or could be made, under whose conduct, and in what manner? Rot. Parl. 6 Rich. II. Part 2. No. 3, 8, 9, 10, to 22.

In the 7th of this reign, the reasons of summoning the parliament were opened by Michael de la Pole, he who was afterwards so corrupted by power, and a great employment; a misfortune which will sometimes happen to men eloquent and skilful enough in the laws. And, by the following speeches, it appears that this chancellor knew very well the constitution of England, and what a right the Lords and Commons had to be apprised of, and consulted with in treaties and alliances that were of the highest importance to the kingdom, such especially as were in transaction while the parliament was sitting.

Michael de la Pole, the chancellor, told both Houses, That the King perceiving how the truce some time ago made with Scotland was shortly to expire; and, that none of his subjects might be surprised without defence, he had sent northward his uncle of Lancaster, with several other wise men of his council, to try and feel the pulse of the Scots, whether an honourable peace was to be had, or otherwise a prolongation of the said truce for some considerable

considerable time. That the Duke, with others, had been on the marches of Scotland, and had conferred and treated with the Scots, and had brought the King their relation, and letters from his adversary of Scotland, importing, that he would dispatch to London persons sufficiently authorised, and with full power to treat of these matters. But, inasmuch as private men in both countries had just and mutual claims one upon another; and that, if a peace ensued, there must be a considerable transferring and translation of rights, one to the other; and more especially, for that England challenged the superiority and dominion over Scotland. All which considered, the affairs seemed too weighty to be treated of, and finally agreed upon, any where but in parliament; where likewise a provision could be made for defence, in case a peace or truce were not to be had: that this alone, if there had been no other, was a sufficient reason for the present meeting. But he proceeded to shew other causes; how that England had likewise, besides, upon its hands at once, wars with the 3 most potent nations in Christendom, France, Spain, and Flanders; that it was environed and threatened both by land and at sea: and then, with strong arguments, proves how much more honourable and safe it would be for England to act offensively than defensively. And though he seems to deliver this as his private opinion, submitting to better judgments; yet, when a chancellor spoke this, and such a favourite as he was, and who had the word, as this very record says, and who was so much trusted, what he said could possibly receive no other construction, than that both Houses were consulted from the throne in the very manner of making war. Rot. Parl. 7 Rich. II. Part 1. No. 2, 3, 4.

The chancellor, Michael de la Pole, in the next sessions of the same parliament, opened to both Houses,

Houſes, How that one of the cauſes of their preſent aſſembling was the treaty of peace with France; that a treaty had long depended; that the ambaffadors on both ſides were agreed upon certain terms, which had been ſettled in the council of both kingdoms, of which certain articles were ready to be laid before the parliament at a proper time; but that the King, out of a tender love to his people, and in conſideration of the great expences they had been at during this war, would not finally conclude the peace without their aſſent and knowledge, though he might do it, becauſe (as it was conceived) France was the King's own proper inheritance, and not belonging to the crown of England. He proceeded to ſay, that the King deſired and earneſtly charged them carefully to examine and conſider the ſaid articles in relation to this treaty, to adviſe what was beſt to be done for his and the kingdom's honour and advantage.

Afterwards the Commons took notice, that they had ſeen the ſaid articles, and answered thus: That, conſidering the eminent perils which they perceived to lie both ways, they neither could nor durſt in any manner adviſe their liege Lord expreſſly either to war or peace: albeit, that peace, if a good one could be obtained, would be the greateſt comfort to them in the world. That it ſeemed to them, that the King might, and ought to do in this affair as his noble Grace ſhould himſelf beſt like, as of a thing that was his crown inheritance, which deſcended by royal lineage to his noble perſon, and did not belong to the kingdom, or to the crown of England. They pray him to do what his council ſhall adviſe to be moſt for his honour and advantage, and for the greateſt comfort of his people; and for the many dangers and miſchiefs that might happen, they prayed to be excuſed from giving any other answer to this buſineſs for the preſent.

But,

But, upon this, the Commons were again charged, by the King's command, to speak their minds upon these points, thus: Do you either desire peace or war with your enemies of France? There being no mid-way; for as to a truce, that may be good and advantageous to the realm, the French will not consent to it. To which the Commons replied, They earnestly desired a good and honourable peace; but that, in the articles delivered to them, there were several civil law terms which they did not clearly understand: and further, that they had been told, how that several lordships and lands, which the King, by this treaty, was to have in the province of Guienne, were to be held of the crown of France by service and homage; but they hoped their Liege Lord would not easily agree to hold of the French, by the like service, the town of Calais, and other lands which had been conquered from the French by the sword. Nor would the Commons that this should be done, if there were any other way of coming off. To which was answered, That, for any thing that yet appeared, there was no having a peace without holding those lands in the said manner. Hereupon the Commons were once more required to tell their Liege Lord how they would act as to the accepting this peace, if so it was, that they were King of the realm, or in the same condition their King was in; and, considering the many wars which on every hand threatened this small kingdom, and that the enemies were so confederated together, that none of them would have peace or truce without the other; and, considering the great strength and riches of the enemy, and the then weakness and poverty of this realm. To which the Commons made reply, That they understood how the Lords spiritual and temporal had been likewise required to give their counsel and advice upon the same

same points, and that the said Lords had given their answer not as counsel or advice delivered in this matter either for war or peace: but that they have been told the Lords only said, That, all mischiefs and appearing dangers considered, if they were in the King's condition, they would rather agree to this peace than have a war: and hereupon the Commons (with protestation that they may not be hereafter charged as having advised in the matter, and that they shall not bear the blame of having counselled one way or other) agree in their answer with the prelates and Lords in every point; and this, and no other answer than what the prelates and Lords made, do they give. Rot. Parl. 7 Rich. II. Part 2. No. 3, 16, 17, 18.

In the 14th of the same reign, the bishop of Worcester opened the sessions, who laid before the parliament, How that a truce had been made with France for a certain time, and that persons had been sent to Calais to treat of peace, and had made their report to the King, who was to send thither a more solemn embassy, but would not do it without the counsel and assent of the Lords spiritual and temporal, and the other wise men of his council: and how that others had been dispatched from the King to the borders of Scotland, to treat with the Scots about a truce to be made by the mediation of France; and that the Scots hitherto would not agree to the truce, so that there was more likelihood of war than of peace, which war the King would not undertake without the advice and assent aforesaid. Rot. Parl. 14 Rich. II. No. 1.

In the 15th of the same reign, the Commons, in full parliament, said, If there should be any proceedings upon a treaty of peace or truce with France, that it seemed to them expedient and

necessary, if the King were so pleased, that the duke of Lancaster, as being the most able person in the realm, should go thither to treat thereof, to which the King assented. Rot. Parl. 15 Rich. II. No. 15.

In the 17th of the same reign, there was a peace ratified by authority of parliament, in these words: “ Be it remembered, That the King, “ Lords, knights of approved valour, and justices, “ assent in this parliament to a peace, so as that “ the King do not make homage liege, saving “ also and always the liberty of his person, and “ crown of England, and of his lieges of the “ same kingdom; and so that he and his heirs “ may resort and have regrefs to the name, title “ and right of the kingdom of France, if the “ peace shall be broken by his adversary, or his “ heirs; and also, that such moderations and “ modifications should be made, that no confiscation [that is, seizure of the dutchy of Guienne] “ might happen.”

The same matter was given in charge to the Commons, who gave their answer, in a schedule delivered by their speaker, to this purpose: The Commons being commanded by the King, upon their faith and allegiance, to advise him in certain articles between him and his adversary of France; which articles being read, and partly understood by them, they find in them three points, viz. Homage Liege, Sovereignty, and Resort; so weighty, that they never durst undertake to treat of, or advise in a matter of such importance; of which three points they take themselves to be quite discharged, in regard that no moderation is yet made in the said articles; whereas it was agreed by the King and the Lords, That homage should be done for the lands in Guienne, on this condition,

dition, that such qualifications might be proposed as should be a saving to the King's rights, and those of his people. Upon the whole matter, they refer themselves to the King and Lords, hoping they have duly examined every thing, and made a careful provision in all these affairs: and, to have a good peace, consent to the above-mentioned articles. Rot. Parl. 17 Rich. II. No. 16, 17.

In the 20th of this reign, King Richard began to speak to his people in another manner than he himself had used, or than had been practised by his ancestors. He was at rest from wars abroad, and had fortified himself by an alliance with France, and this gave him and his ministers hope to subvert the constitution of England, which they went about in this parliament to undermine, though all ended at last in their destruction. And this year the speaker of the House of Commons was compelled to discover who had brought in a certain bill that did not please the men in power, because it took notice of the expences of the household, and of the bishops and ladies that followed the court. Rot. Parl. 20 Rich. II. No. 14, 15, 16. The speaker named Sir Thomas Haxey, who was sentenced to death, No. 23. And, when they could make a breach upon such a fundamental, no wonder at what else was done. But to return to my present subject.

In this parliament, the Commons came before the King and Lords, and shewed, How they had been informed, that the King should hear some persons intended to hinder an expedition which the King had promised his father-in-law of France, that the earls Marshal and of Rutland should make towards Lombardy; and that some had designed to stir up the Commons to petition the King to prevent the said expedition, and to frustrate

his royal promise. The Commons excuse themselves in this matter, alledging, that no such thing was ever mentioned among them: on the contrary, they thank him for the honourable figure he intends to make on this occasion. However, though they were made acquainted by the said earls of the King's gracious intention, that by this expedition neither the Commons, nor the kingdom, should be in any ways bound or charged; yet, notwithstanding, they pray, and make their protestation, That as the King, by his own authority and will, had granted the said expedition, so they hoped, that by it, or by any thing which hereafter might happen upon it, they may not be made parties, nor in any manner be endamaged. To which, with his own mouth, in full parliament, the King made this reply, That they were not to wonder at this expedition; and then he gave his reasons for it; 1st, He had considered, how that heretofore many mischiefs and destructions had happened by war between France and England; and upon this, believing that the greatest good one man could do another, to tye him the faster to him, was to help and relieve him in his mishap and necessity; wherefore, upon a good intention to appease war, and to prevent the mischiefs it brings, and to the end that this good turn might be the occasion of peace, and excite in his father of France the greater affection to him, his realm and people, in time to come, he had made this promise. 2^{dly}, The French King was his cousin, and, by this alliance, his father; and, upon this score, he was the more bound to do him pleasure, and help him in his need. 3^{dly}, That he and his father of France were the two most able and valiant Princes in Christendom; and that therefore, if they had knowledge of any King, Prince, or other person, whoever

whoever he were, that went about to overcome and destroy Christian people any where, they were bound, by their duty to God, to destroy such a tyrant and oppressor, and to restore the oppressed and desolate to their former estate.

And, at the end of this speech, he says, He will be at large and at liberty to command his people, and send them in aid of his friends; and to dispose of his own goods at his will, and as often as he pleased. Rot. Parl. 20 Rich. II. No. 9.

This is the first instance I meet with in the records of an English King's pretending to dispose of his people at his will and pleasure. The reasons offered for the aids given to France are plausible, to prevent wars, and to procure a lasting peace. But this unfortunate Prince and his ministers had other ends, as in the sequel appeared. This strict alliance; this expedition, in which the Commons were not consulted, and were not to enquire into nor contradict; these good turns, these helps given to France at a time of need, were with no other intention (as appeared afterwards) than to secure all things on that side, to have that King and kingdom to friend, and to be free from a foreign war when they were to put in execution their great design of subverting the liberties of England.

For the very next year, these ministers who had been so close and reserved in their counsel, when they were thus sure of France, and as soon as, by fraud and force, they had got a parliament to their turn, not legally elected, they fell in good earnest to change the constitution: And all these motions came from a House of Commons; so that when the notion began to be advanced, that Princes might make war and peace, undertake expeditions, and enter into leagues of the highest importance

portance without consulting their parliaments, it was at a season when all the laws were intended to be overthrown. The King, in those days, fortified, as he thought, by his French alliance, was resolved to set up for arbitrary power; his desperate ministers were ready to co-operate with him; the nobility had lost all their ancient courage and virtue; and the House of Commons was so depraved, as to become the very blood-hounds of the court.

In the 1st year of the next reign, which was that of Henry IV. the archbishop of Canterbury, who opened the sessions, told both Houses, How that the nation, so abounding in riches, had for a long time been ruled and governed by children, and the counsel of young heads, whereby it was almost brought to ruin, had not God then placed upon the throne a knowing and discreet man, who, by God's help, would be governed by the wise and ancient men of the realm, to his own and the kingdom's help and comfort. Rot. Parl. 1 Hen. IV. No. 2.

In the same sessions, the earl of Northumberland, constable of England, by the King's command, shewed before the Lords temporal, How (as had been made known to them before) the King purposed to make war with his enemies of Scotland; but that it was talked among some people, as if this expedition was undertaken by the counsel, and at the instance only of him the said earl, and of my lord Westmoreland, earl Marshal. The said earls did therefore purge themselves, and desired, that the King would declare his pleasure in this matter. Whereupon the King, with his own mouth, in full parliament, said, That as God had sent him into this kingdom, and given him the crown thereof for its preservation,

preservation, so he meant to undertake this expedition in person; and thereupon he commanded the earl of Northumberland to propose the question, to have their advice upon it; and all the Lords being severally asked their opinions, consented to it. Rot. ibid. No. 80.

In the 2d of the same reign, the Commons represented to the King, How they had been informed, that several Lords, and other worthy and considerable persons of this kingdom, had been challenged by the French by subtle device, to what intent no man knew; but they prayed the King he would please to consider, That there was more appearance of war with the French than of peace; that he would reflect, in case of a war, how much he would stand in need of men of wisdom, manhood and great fortunes, and such they were who had been thus challenged; that he would consider what expence the persons challenged must be at, and to what danger they exposed themselves; they therefore prayed, That, by the advice of his Lords in parliament, he would lay his command upon the persons challenged to proceed no farther. To which the King answered, He would therein be advised by his Lords and Commons, and so manage matters that no reflection should be upon the honour of the persons challenged. Rot. Parl. 2 Hen. IV. No. 12.

In the 4th of the same reign, the Commons prayed the King, since God had given him so signal an advantage over his enemies the Scots, That, by the advice and wise counsel of his Lords spiritual, and of his honourable council, things might be so ordered in parliament, that the victory might turn to God's glory, and that the kingdom might thereby reap some good fruit. Rot. Parl. 4 Hen. IV. No. 12.

In the 8th of the same reign, the chancellor showed to the Lords, How that the King's ambassadors had been in Prussia, and other parts beyond the seas, to treat of a peace; and that, upon an agreement there made, a proclamation was to issue out, importing, that the subjects of England were to make certain restitutions for damages sustained by those abroad. To which proclamation the Lords agreed. Rot. Parl. 8 Hen. IV. No. 10.

In the same parliament, the speaker shewed, How that the Castle of Manlyon, the key of the three kingdoms, was in the hands of a foreigner, and garrisoned by foreigners. He thereupon prays, That it may be commanded and garrisoned by Englishmen. Rot. ibid. No. 57.

Thus, this warlike Prince, who by his courage and virtue, from a private man, without any true title by descent to the crown, came to be King of England, thought it no diminution of his prerogative to consult with, and be advised by his parliament, in matters that were of the last importance.

In the 1st year of the next reign, which was that of Henry V. the chancellor opened the causes why the parliament was summoned: among other things, he sets forth, How necessary it was, that the King's friendships abroad should be cherished, and that provision should be made to resist his foreign enemies; for all which it was requisite to have the good advice of the Lords and Commons; that they were then assembled to have their counsel and advice in the matters aforesaid. Rot. Parl. 1 Hen. V. No. 2.

The speaker of the House of Commons afterwards prayed the King, That, as God had endowed him with wisdom, and many other qualities

lities and virtues, that so henceforward he would take care to see good government maintained, especially in relation to the marches of Scotland, the guarding the seas, the town and marches of Calais, the province of Guyenne and the dominion of Ireland. To whom, by the King's command, it was answered, That he should reduce these complaints into writing. Rot. ibid. No. 8.

In the 3d of the same reign, the causes of the parliament's meeting were opened, That the King had lately received certain overtures of peace to be concluded between him and his adversary of France, to which he had always applied himself, (the right of his crown always saved) but that he would not conclude the said peace without the assent and good advice of the estates of the realm. It was further shewed, that Sigismond, King of the Romans, had interposed his endeavours, and very much laboured to settle peace between England and France, out of which kingdom he was lately arrived here: That the King had not yet seen his scheme, but should be shortly made acquainted with it; at which time the King, by the good advice of his most wise council there present, might be apprised, what would be most advantageous and honourable for him to do in the matter. Rot. Parl. 3 Hen. V. No. 14.

In the 4th of the same reign, the chancellor told both Houses, They were now in the 6th parliament, in which, by the kind help and counsel of the Lords and Commons there present, such effects would be produced, and such exploits would be performed, as that thereby, by God's high grace, the dispute with France should be at an end; wars should cease, and the nation should come at lasting peace and quiet. Rot. Parl. 4 Hen. V. No. 3.

That

That year, an alliance between the King and Sigismund King of the Romans was confirmed, approved of, and ratified in parliament, in these words: “ Be it known, That upon certain alliances between our Sovereign Lord the King, for him, his heirs and successors, Kings of England, of one part, and the honourable Prince Sigismund, King of the Romans, for him and his successors, Kings of the Romans, on the other part, lately entered into and agreed upon in the form specified in the letters patents of our said Sovereign Lord thereon made, and in this present parliament openly shown and declared, the tenor of which here follows: Henry, by the grace of God, King, &c. Our most Sovereign Lord aforesaid, willing that the said alliances may be perpetual, and the matters contained in the said letters patents having been duly and solemnly debated in this parliament, with all the archbishops, bishops, dukes, earls, barons, and all others estates spiritual and temporal, as also the Commons of the realm in the said parliament assembled, by their common assent and consent in the said parliament, and by authority of the same, they did ratify, approve and confirm the alliances and confederations, and all the matters aforesaid, in manner and form as in the said letters patents is contained, as far forth as lies in our said Sovereign Lord, for him, his heirs and successors, and hereby ratify, approve and confirm the same.” Rot. ibid. No. 14.

This Sigismund was afterwards Emperor, whose only daughter Albert II. of Austria married, from whom the present Princes of the Austrian family are descended.

Thus

Thus Henry V. that heroick King, thought it no diminution to his glory, or lessening of his prerogative, to advise with and be advised by his parliament in matters of peace, war, and foreign alliances; and no doubt the good understanding thereby created between him and his people did not a little contribute to render his reign so happy and victorious.

In the 2d of the next reign, which was that of Henry VI. there was a message from the House of Commons to the duke of Glocester, then protector, and the Lords then assembled in parliament, to thank the Duke and the Lords for having by the chancellor communicated to them the treaty and matters relating to the King of Scotland, then in agitation between the Lords and the Scottish ambassadors, to wit, for the freedom of the said King, and for taking hostages for his ransom, and for his marriage; all which matters seem to the said Commons good and advantageous to the King and realm, if by their wise directions they can be brought to a good conclusion. They pray the Lords, that they would further proceed upon the said treaty and matters, and by their most wise counsel and discretion bring them to a final issue. And this done, to give the Commons notice and knowledge of the said conclusion, which would be a great consolation and comfort as well to them as to all the commonalty of the kingdom. Rot. Parl. 2 Hen. VI. No. 10.

The foresaid treaty was entered upon by authority of parliament, and the King's letters patents, empowering the ambassadors to treat, were ratified in parliament. The commissioners were there likewise named; their powers were there directed, and their quorum was there appointed. Rot. ibid. No. 27.

In

In the 9th of the same reign, the dukes of Bedford and Glocester, &c. were empowered by act of parliament to enter upon a treaty, and to conclude peace with France, Spain and Scotland, in these words: “ That this ordeyned and ad-
 “ vyfed by the Lords spirituelx and temporelx
 “ and Comyns beyng in this present parlement,
 “ That my Lords of Bedford and Glocester, and
 “ my Lord cardinal, and other of the Kyng’s
 “ blood and of his counfeyl, may trete the pees
 “ on the Kyng’s behalf with the feyd partyes, or
 “ ony other. And yf theym thynk the menys of
 “ pees offerd by that other partyes covenable
 “ and good to the Kyng and hys subgetz, theine to
 “ receive hem, and femblably to offer for the
 “ Kyng’s partye menys that shal be thought to
 “ them covenable and expedient, and by swich
 “ menys to conclude and accorde the pees to
 “ Goddes plesire, &c.” Rot. Parl. 9 Hen. VI.
 No. 18.

In the 14th of the same reign, the chancellor opening the reasons why the parliament was assembled, said, How that the King had received advice from good hands, that the duke of Burgundy had struck up a peace with the French, to which interest the said duke now intended firmly to adhere: That the King must resolve to admit of a delusory and mock truce, then offered by France, or determine to assert his title to that kingdom and the dutchy of Normandy with armed force: That, to be advised in these and other matters, the King had called them together. Rot. Parl. 14 Hen. VI. No. 2.

In the 23d of the same reign, my Lord of Suffolk gave the House of Lords an account of his behaviour in France, How he neither uttered nor communed of the specialty of the matters concerning

concerning in any wise the treaty of peace, nor of what manner of thing the same treaty should be, but only referred it to our said Sovereign Lord, and to all those which he will call to him in this matter at the coming of the said ambassadors into this realm, &c. And then the King gave him in commandment to open the said matters as well to my said Lords being in this present parliament, as to the Commons assembled in the same parliament, in their house accustomed, &c. And he desired, that of what he had cautioned the King and the House, an act might be entered in the parliament roll, which was granted. Rot. Parl. 23 Hen. VI. No. 19.

In the same sessions, an act was made to repeal a clause in an act passed in the former reign, whereby certain articles of peace had been ratified in parliament, by which articles it had been agreed, that neither nation should make peace with the Dauphin (afterwards Charles VII. of France) without the assent of the three estates of each kingdom. “ The King will, by the assent
“ of his Lords spiritual and temporal, and the
“ Commons of this present parliament, that the
“ said article so authorised be void, Iritte cassed
“ adnulled, and of no force ne effecte.” Rot. ibid. No. 24.

By the way, it seems the ministers of state at that time were conscious they had incurred the danger of the law by clapping up a peace with France without assent of parliament; for in this act of the 23d of Henry VI. they brought a clause of indemnity, in these words: “ And that
“ no person or persons, for his faithful counsel
“ given, or to be given unto the King, after the
“ wit and grace that God hath list to give him,
“ or any of them, shall be impeached, hurt, or
“ greved,

“ greved, but shall stond therefore at all days
 “ quite and discharged against hym and hys heirs
 “ and successors for evermore, &c.” Ibid.

Corrupt statesmen will think, they have here found a very fine precedent to be indemnified, let them give their master never so faithless and unsound advice. But mark what follows.

The Commons (for it appears plain enough from the record, that the first part of the bill began in the House of Lords, and that the two last provisos were inserted in the House of Commons) brought in a saving, whereby the indemnity is restrained only to that counsel which the ministers had then given of making peace with France, without consulting the parliament. “ Saving alway to the reame of England, and to all
 “ leiges and subjects thereof, their heirs and successors, all their liberties, freedoms, laws,
 “ customs and privileges that they, their ancestors and predecessors, have had within this
 “ reame afore this time, except the matter that is
 “ comprised in the article abovesaid.

“ And that they, and each of them, be demened and governed after the laws, usages and
 “ customes of the said reame of Englonde, and
 “ in none otherwise, this act notwithstanding.
 “ Neither that ony hurt nor greve in ony wise
 “ grow to the comyn of this reame, their heires
 “ nor successors in time to come, by force of this
 “ act, nor by any thing therein conteined.” Ibid.

Without such savings, the forementioned clause had altered the whole constitution of this kingdom; for the ministers might have done what they pleased, and could have come off at last with saying, They acted to the best of their skill and knowledge. But it is evident from this record, that the sense of our ancestors was, That they
 would

would have those who managed affairs in government, always accountable to parliament. And these savings imply, that notwithstanding this indemnity, and though, in the instance before them, they pardoned one false step, they did not mean it should be drawn into precedent; and that they would so far preserve their “freedoms, laws, “customs, and priviledges, that not ony hurt nor “greve might in ony wise grow to the comyn of “this reame by force of the said act.” And that if, in after-times, they gave either weak or pernicious counsels, they should answer for it, and not plead in excuse, That “they had given “the King counsel after the wit and grace God “had listid to give them.” For if they were unknowing in affairs of state, and, through notorious ignorance, erred often, why did they undertake great employments? It being certainly true, that ignorance and want of foresight in ministers is as pernicious to the commonwealth they govern as malice or corruption.

The succeeding Prince, Edward IV. (who in a manner, by his own personal valour, wrested the crown of England from the house of Lancaster, which, for 61 years, had been in the quiet possession of it) in all important matters consulted his parliament.

In the 7th of this reign, the bishop of Bath and Wells, chancellor, by the King's command, laid before both Houses the past condition of England, and the present posture of affairs, How that, before his reign, we had lost our dominions in France, had wars with Denmark, Spain, Scotland, Britanny, and in other parts, as also with our ancient enemies the French: That the King had made all things quiet in his own realm; that he had entered into a perpetual league, and concluded

cluded a treaty of commerce with the King of Spain: That he had settled peace, and made a treaty of commerce with the King of Denmark: That he had done the same with our old friends of Germany: That for L winter there was peace with Scotland: That amity and league, with treaty of commerce, was settled with the King of Naples: That he was in a fair way of a treaty with the King of Arragon, but the Arragonian ministers had not their necessary powers or credentials, which would be soon adjusted: That he was entered into amity and confederation with the high and mighty Prince the duke of Burgundy, who was to marry the lady Margaret, the King's sister; and also an amity and confederation with the duke of Britain, which two dukes were the mightiest Princes that held of the crown of France: That with his own purse he had borne the expence of these treaties and embassies. Rot. Parl. 7 Edw. IV. No. 26.

By the way, it is to be observed, That in most of these leagues and confederations it is expressly mentioned, That a treaty of commerce was likewise settled, without which peace itself is hardly beneficial to a trading nation; for it cannot truly be called peace, and is indeed nothing but a cessation of arms.

The chancellor likewise sets forth, How that the King had laboured all these matters (as the record says) “ To diminish and lesse the power of
 “ his old and auncient adversary of France, the
 “ French King, whereby his seid Highness shuld
 “ mowe the lightlyer, and rather recover his right
 “ and title to the crown and lond of Fraunce,
 “ and possession of the same.

“ Wherefore his seid Highness was fully set and
 “ purposed, with the might and help of almighty
 “ God,

“ God, and with advyse and assistens of his Lords
“ spirituel and temporel, and also of the Comyns
“ of this lond, to proceed and perfourme hys
“ principal intent for the defens of this lond;
“ that is to sey, to go over see into Fraunce,
“ and to subdue hys grete rebel and adverfory
“ Lowes, usurpant King of the same, &c.”

And afterwards, “ Which matter, amongst
“ meny of the Lords spirituell and temporell in
“ hys counsaile late held at Coventre, was shewed
“ and declared; which matters the Kyng’s High-
“ ness, because they were then present more
“ plener in nombre, entended then to open and
“ declare unto theym by hys own mouth, and
“ alsoo hys entent and disposition for the recovere
“ of hys seid title and right to the crown of
“ Fraunce, to yeve their seid advyse and counsaile
“ unto hym in that behalf.” Ibid.

In the 13th of the said reign, a treaty of commerce between the King and the Hanze Towns of Germany was ratified in parliament, in these words: “ The Kyng calling into his tendre re-
“ membrance, how that in times passed unto now
“ of late the merchants and people of the nation
“ of Almayn being under and of the confede-
“ ration ligue and company called the Dutchie
“ Hanze, otherwise called Merchants of Almayn,
“ having the house in London commonly called
“ Guildhalda Teatonicoram, have had and used
“ free and friendly communication and entrecourse
“ of merchandise with his subjetts of his noble
“ ream of Englund and they with thym, to the
“ encrese, avayle, and commowele of both
“ parties, &c.

“ In consideration whereof, and to thentent that
“ by God’s grace the werre and hostility that hath
“ been between both parties may utterly cease and
Vol. III. D d “ be

“ be avoided, the old friendlyhood alsoo betwixt
 “ theym to be renoveled in such wyse as it may
 “ abide and endure for ever. By thadvyse and
 “ assent of the Lords spirituelt and temporelt,
 “ and the Comyns, in this present parlement
 “ assembled, and by auctorite of the same, wolle
 “ of his gracious and bounteous disposition, that
 “ it be ordeyned, establisshed and enacted, That
 “ noon of the seid merchants, &c.

“ ——— Whereunto the seid merchants of the
 “ Hanze, by their orators, have assented and
 “ agreed, &c.” Rot. Parl. 13 Edw. IV. No. 2.

Some perhaps may mistake this record, and think, that thereby the company's charters only are confirmed; but it is plainly otherwise, for by these words in the roll, “ Whereunto the said
 “ merchants of the Hanze, by their orators, have
 “ assented and agreed,” it appears there was a treaty of commerce in agitation, which was ratified in parliament.

Richard III. in his short reign, had no foreign wars, and summoned but one parliament.

His successor, Henry VII. a Prince jealous enough of his prerogative, had notwithstanding recourse to his parliament for their advice, as soon as his foreign affairs made it necessary so to do. For when he pretended to make a war in France, he summoned his parliament, and spoke thus:
 * ‘ My Lords, and you the Commons, when I
 ‘ purposed to make a war in Britain by my lieutenant, I made declaration thereof to you by
 ‘ my chancellor. But now that I mean to make
 ‘ a war upon France in person, I will declare it to
 ‘ you myself.’

* Bacon's Hist. Hen. VII. p. 96.

And in the close of his speech he says, ‘ Go together in God’s name, and lose no time; for I have called this parliament wholly for this cause.’

And the parliament, with great alacrity, advised the King to undertake the war.

But now let us see what Henry VIII. did, whose reign was the most arbitrary and tyrannical that England ever saw.

In the 4th of this reign, the session was opened by William Wareham, archbishop of Canterbury, who showed, * How the French King would do no justice, in restoring to the King his right inheritance; wherefore, for lack of justice, peace of necessity must be turned into war. † In this parliament was granted two fifteens of the temporality, and of the clergy two tenths. After that, ‡ it was concluded by the whole body of the realm, in the high court of parliament assembled, That war should be made on the French King and his dominions: and an act was thereupon made.

In the next reign, which was that of Edw. VI. there were wars with Scotland, disputes with the French about Bulloign, as also a treaty of great consequence with France in the year 1550; and yet we do not find the parliament was advised with, or that either House did interpose in any of these important matters; but all was managed by the court and the privy council. But at the same time we are to consider, that one and the same parliament, in that reign, was kept sitting for 5 years together; and we have hardly any instance in our history, that a House of Commons suffered to sit so long, was ever very careful of publick liberty.

* Hollingsh. p. 812.

† Grafton, p. 907.

‡ Rot. Parl. 4 Hen. VIII.

In the next reign, which was that of Philip and Mary, the court took much the same measures. Nor was it indeed probable, that Philip, whose father and great grandfather had made themselves absolute in Spain, should regard the constitution of England. However, even in those days, the parliament did not think themselves quite excluded from deliberating upon what concerned the nation. For in the year 1553, * the House of Commons desiring to turn the Queen from foreign councils and aid, sent their speaker, and 20 of their house with him, with an earnest and humble address to her, not to marry a stranger. But the ministers of that reign found a way to extinguish the publick spirit that yet remained, by bribing the most considerable of the members with pensions to give their votes for the marriage, in order to which, the Emperor Charles V. had sent over 1,200,000 crowns: and by these arts, Philip governed as he pleased during his stay here. And yet, when dangers came to press from abroad, we find the House of Commons consulted: for on the 7th of November 1558, “ The Queen sent
 “ for the speaker of the House of Commons,
 “ and ordered him to open to them the ill condition the nation was in: for though there was
 “ a treaty begun at Cambray, yet it was necessary
 “ to put the kingdom in a posture of defence, in
 “ case it should miscarry. But the Commons were
 “ now so dissatisfied, they would come to no resolution. So, on the 14th of November, the
 “ lord chancellor, the lord treasurer, the duke of
 “ Norfolk, the earls of Shrewsbury and Pembroke, the bishops of London, Winchester,
 “ Lincoln, and Carlisle, the viscount Montacute,

* Hist. of the Reformat. part 2. p. 261.

“ the lords Clinton and Howard, came down to
“ the House of Commons, and sat in that place
“ of the house where the privy counsellors used to
“ sit. The speaker left his chair, and he, with
“ the privy counsellors that were of the House,
“ came and sat on low benches before them.
“ The lord chancellor shewed the necessity of
“ granting a subsidy to defend the nation both
“ from the French and the Scots: when he had
“ done, the Lords withdrew: but though the
“ Commons entered both that and the two follow-
“ ing days into the debate, they came to no issue
“ in their consultations.”

In the next reign, which was that of Elizabeth, we have no precedents of this nature to produce. This Princess placed her hopes entirely in the affections of her people, whom she ever courted, not by the false arts of dark policy, but by a steady course of good government; and having such an absolute dominion over their hearts, she did what she pleased with both Houses of parliament. It being notorious, that she drove at no interest distinct from that of the commonwealth, she was suffered to pursue the measures tending to the publick good in her own method. It is certain, she now and then exerted her authority in a manner very unwarrantable by our constitution, especially some violations of the privileges of the House of Commons were connived at in her, which, in the most slavish times, would not have been borne from any other. Respect to her sex excused that haughty temper of her's derived from her father, of which, now and then, she gave notable proofs. Several acts of power were not murmured at in her, who was known to have such right inclinations to the realm, that if the madness of the people had set her quite above the laws, she would not have made an ill use even of unlimited authority.

No wonder then, if we find her making peace and war, and entering into foreign leagues and alliances, without advising with the great council of her kingdom, and acting as if she had had the same arbitrary power here, as the Princes her neighbours pretended to have in their dominions. Nor are we to think it strange, that in her reign, these proceedings of the court were never opposed nor questioned in parliament: for it was evident to the whole world, that it could never enter into her thoughts to make any step that should hurt England. She never engaged in wars but what were unavoidable, and managed with frugality; nor did she make peace till she had humbled and reduced her enemies; nor did she enter into alliances that were against the honour, or that thwarted the trade or interest of the nation. Her constant course was to help the weak against the strong, so to keep the balance of power even. Her leagues had no aim but to uphold and strengthen the protestant religion and interest in the Low Countries, in Germany, and in France; and all her wars were chiefly made to oppose the immoderate growth of the Spanish monarchy, which at that time aspired to universal empire.

Besides, her privy council, her ministers and officers of state, had the same inclinations with their mistress; they were known patriots, men as honest as able, and who rose more by merit than by favour; such as did not plunder for themselves, but expected their rewards from her well-governed bounty. In short, she communicated the executive power with which she was entrusted by the laws, to such skilful and safe hands, that there was no occasion for the legislative authority to interpose in any thing she did.

But

But in the next reign, which was that of James I. as the court took other measures, so the parliament thought it their duty to exert themselves in another manner. This question, Where the right lay of making war, peace, and alliances, was, in this reign, brought upon the stage, and many messages and addresses passed between the King and the House upon this subject, too long to be here repeated; but they are all to be found in Rushworth's collections.

Whosoever would distinguish truly between the prerogative of the crown and the rights of the people in this case, and well understand these points, in which the very existence of our constitution is so much concerned, should carefully peruse and consider those transactions in the House of Commons relating to the war in the Palatinate, because therein is comprehended the whole state of the question.

For at that time both sides made their claims. The Commons thought it no breach of the prerogative, and their right to lay before the King the state of the nation, and to shew the danger of religion by the Spanish match, and the apprehensions they lay under from the immoderate growth of the Spanish monarchy, and to advise in matters of war. For they counsel the King to take the sword into his hand: they thought they had a right, and that it was their duty to lay before him, How this war might be best carried on, not in a lingering manner to consume our wealth and strength without any good effect; but they rather desire that the bent of the war, and the point of his sword, might be directed against that Prince whose armies and treasure were most dangerous to England.

On the other hand, the King thought it a breach of his prerogative for the House of Commons to argue and debate publickly of matters, which, (in his angry letter to the speaker) he says, were above their reach and capacity, and therefore forbids them to meddle with any thing concerning his government, or deep matters of state. Nor must the Spanish match, nor the growth of Spain, be touched upon. And tells them plainly, He thought himself free and able to punish any man's misdemeanors in parliament [that is, freedom of speech in the House] as well during their sitting as after.

But the House of Commons were no wise daunted with this message, and continued to assert their right. They showed by their second address, that they had been invited by the King's speech to consider of these matters; but they intimate plainly, that though they had not been called upon for their advice, yet they had a right to give it, in these words: "Although we cannot conceive
" that the honour and safety of your Majesty,
" and your posterity, the patrimony of your
" children invaded and possessed by their enemies,
" the welfare of religion, and state of your king-
" dom, are matters at any time unfit for our
" deepest considerations in time of parliament, &c." They showed likewise, that thereby they did not intend to encroach or intrude upon the sacred bounds of the royal authority, to whom, and to whom only, they acknowledged it did belong, to resolve on peace and war, and of the marriage of the Prince. Then they asserted liberty of speech in parliament.

But the King, in his answer to this address, carries the regal power higher than he did in his first message. He tells them, They usurped upon
his

his royal prerogative, and lets them know they were called for nothing else but to consider of ways and means to raise money for his intended war; for the simile he makes can receive no other interpretation. “The difference is no greater than if we would tell a merchant that we had great need to borrow money from him for raising an army; that thereupon we were bound to follow his advice in the direction of the war, and all things depending thereupon.” He thinks it a breach of their duty, and disrespect to the character of great Princes, for them to take notice that the King of Spain affected the temporal monarchy of the whole earth. As to the Prince’s match, he says, They could not have presumed to determine in that without committing high treason; and tells them, it was a direct breach of their duty to meddle in it, when in his speech he had commanded to the contrary. He tells them, their address contained the violation of leagues, the particular way how to govern a war: That these were unfit things to be handled in parliament, except their Prince should require it of them: That none could judge of things of that nature, but such as were daily acquainted with the particulars of treaties, [and of the variable and fixed connection of affairs] fine words to blind the world with, uttered by a King, but not to be understood by any private man. He tells them, If they go to pare his prerogative, he must retrench their privileges. But he seems to lay most weight upon this, That the House should contradict themselves in their address, by meddling in the war and the match, and yet protesting they intended not to press upon his most undoubted and regal prerogative, with which they confessed they ought not to meddle.

But

But he who penned this speech for the King, did play the sophister; for it cannot be inferred from any words in the address, that the Commons give up the point. It is true, they acknowledged, "That to the royal authority, and to that only, it did belong to resolve on peace and war, and the marriage of the Prince." But there is a great deal of difference between the words Authority and Prerogative.

The Prince has his authority from the laws; and in all governments where there remain to the people any civil rights, the authority of the Prince is circumscribed by laws. But prerogative is something of a higher nature. It is a power entrusted with him to act where the laws are silent, and sometimes to act even against the written letter of the law. As for example, upon a sudden invasion, he can burn houses, destroy forage, remove or spoil corn, and lay a whole frontier province waste, thereby to distress his enemy, and to prevent his marching further. And for the same reason, upon such an occasion, he may arm all his people, and compel them to defend their country; and if, in doing this, he is forced to commit any act seemingly irregular, he is justified by the necessity. However, he cannot be said to do this by his authority; for the laws allow him not to injure any man in his property, nor to enforce the service of his subjects. He does it then by his prerogative. And it is for the good of the whole, that such a power should be lodged in him, to exercise it upon a great emergency; for where the resolution must be so sudden, that he cannot call the people's representatives together to have their consent, the whole might be ruined, if he were not entrusted with the power, at such a season, to over-rule the written law, it being absurd to imagine,

gine, there should be any form of government that is hindered by the laws from preserving itself. But if this prerogative were extended to every common case, or if it were allowed to act without the people's consent where their consent may be had, there would be an end of liberty.

And upon these, or the like reasons, it is more than probable the House of Commons proceeded, when they said in their first address, That by advising to take his sword in his hand, "they did not intend to press upon his undoubted regal prerogative;" for prerogative was out of the question, which is to act only upon extraordinary cases. And upon the like account it is to be presumed they said in their second address, "That to the royal authority, and to that only, it belonged to resolve on peace and war, &c." Resolutions of war or peace are part of the executive power, which is in the Prince, and in him it is to resolve on war or peace, as he is the head of the commonwealth, and leader of our armies; but it does not appear in our constitution (at least by the ancient and almost uninterrupted practice of it) that he has this in any other manner than all the other parts of the executive power are vested in him, which is in trust for the whole.

He is head of the church. He has the execution of justice. To him is entrusted the protection of trade, and he has the administration of the public revenues. However, none will deny, but in all these matters the Lords and the people's Representatives have a right to advise in parliament.

Even before the Reformation, our Kings had a great sway in ecclesiastical matters; and yet we find, when there was a schism in the church, anno 1378, about a double choice of Popes, viz. Urban
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the VI. and Clement the VII. Urban was acknowledged in England by authority of * parliament to be true and rightful Pope, as Clement was owned in France. All our parliament rolls are full of petitions and complaints concerning the government's neglect in relation to trade, and the people's representatives thought themselves not only free to complain, but free to propose ways how the grievances might be redressed. We have innumerable precedents how far that part of the executive power that relates to the execution of justice, and the administration of the publick revenues, has been looked into, and severely animadverted upon in parliament; and yet none will pretend to say, this was intrenching upon the royal authority, unless it be such whose principles lead them to think, that the worst actions of the worst ministers are to be without controul.

As our Princes have the executive power in them, so the people, from very ancient times, have had a right to assemble by their representatives in parliament, (how often shall not be here argued) and they are called to advise in the important matters of government. When they are thus assembled, they are a part of the legislative authority, whose business has always been to enquire into, and correct the errors and abuses committed by those upon whom the Prince has devolved any part of the executive power. And if ministers of state advise an unnecessary war, a dishonourable peace, or a dangerous alliance, they are as much accountable to parliament, as for any other neglect or crime in the administration of affairs.

* Rot. Parl. 2 Rich. II. Part 1. No. 78.

So that, though to the Prince, and to him only, (as having the executive power) it belongs to resolve on peace and war; yet the legislative authority has therein so far a right, as to interpose with its advice, for the King and kingdom's safety; pursuant to which, our kings and their parliaments have all along acted, as we have shown by a great number of instances; and this fundamental right, and no more, did the Commons, in 1621, assert.

Nor did an angry message from the throne frighten an honest English parliament from continuing their claim to this privilege, which they thought their birthright and inheritance, and which they again asserted by these words in the protestation entered in their Journals, “ That the
“ arduous and urgent affairs concerning the King,
“ state, and defence of the realm, and of the
“ church of England, and the maintenance and
“ making of laws, and redress of mischiefs and
“ grievances, which daily happen within this
“ realm, are proper subjects, and matter of counsel
“ and debate in parliament.”

However, this old Prince liked rather to follow the dictates of his own will, or the pernicious advice of his favourites and ministers, than the faithful and disinterested counsel of his parliament. He entertained secret hopes, that so potent an alliance as that with Spain appeared to be, would make him more powerful over his own people; and the whispers of Gundamore, the Spanish ambassador, weighed more with him than the representations of his Lords and Commons. But at last all this proved fatal to him and his posterity. By his rough dealing with the House of Commons, he sowed the seeds of that discontent which ended in the ruin of his son. The Commons desired three things: That the war in the Palatinate should

should be pursued: That the match with the Infanta should not proceed: That the young Prince should not marry with any other Papist. All which at court was termed intrenching upon the prerogative. But what followed? His children were despoiled of the Palatinate: he was deluded and baffled in the Spanish match; and his son's marrying with a Papist has proved the occasion, that in our days the sceptre is departed from his issue male.

But to return to our present matter. The necessity of this King's affairs at last obliged him to call another parliament, and to them he began to speak in another manner.

Anno Dom. 1623, & regni Jac. 21. 19 die Feb. the sessions began, and the King spoke thus:
 “ I have assembled you at this time to impart to
 “ you a secret and matter of great importance, as
 “ can be to my state, and the state of my children;
 “ wherein I crave your best and safest advice and
 “ counsel, according as the writ whereby you
 “ were assembled imports, That the King would
 “ advise with you in matters concerning his estate
 “ and dignity, &c.”

And, by advice of parliament, an end was put to the strict alliances with Spain, then judged dangerous; and the match with the Infanta was broken off, which had so long depended.

In the reign of king Charles I. there were but little foreign transactions.

This Prince, at his first accession to the throne, was the very idol of the nation, whose affections he could never have lost, if he had not unfortunately chosen to put his trust in private counsels. He himself was, without doubt, a man of virtuous inclinations, devout in his religion, and of just principles; but he found a depraved set of ministers
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and courtiers, who had been long used to lead their master which way they pleased. And it was they, not he, who had a different interest from the people, who, truly speaking, can never have any aim but to be well governed.

The creatures of mere favour, the engrossers of monopolies, the common robbers of the publick, such as designed to rise in church and state by advancing new notions of government. They who had neither parts nor merit, and indeed nothing to recommend themselves to power and the administration of affairs, but a servile and constant resolution of doing whatever they should be commanded. These and the like could not have found their account in a good agreement between the King and parliament. It was therefore their business to create an ill understanding between him and his House of Commons.

By the war in the Palatinate, the crown was indebted 502,000*l.* besides 400,000*l.* that was needful for the current service, which may be thought small sums now, but they were then reckoned a heavy burthen: these occasions brought on the necessity of calling a parliament, which met the 18th of June 1625. The King opened to both Houses the present state of his affairs abroad, and my Lord Keeper began his speech thus: ‘ That the King’s main reason of calling
‘ the parliament, besides the beholding of his
‘ subjects faces, was to mind them of the great
‘ engagements for the recovery of the Palatinate
‘ imposed on his Majesty by the late King his
‘ father, and by themselves who brake off the
‘ two treaties with Spain. Also to let them under-
‘ stand, That the succeeding treaties and alli-
‘ ances, the armies sent into the Low Countries,
‘ the repairing of the forts, and the fortifying of
‘ Ireland,

‘ Ireland, do all meet in one centre, the Pala-
‘ tinate. And that the subsidies granted in the
‘ last parliament are herein already spent, whereof
‘ the account is ready, together with as much
‘ more of the King’s own revenue, &c.”

If things had been so managed by the ministers during this reign, as that parliaments might have been consulted, this King had made a considerable figure in Europe, and might have held the balance as his predecessors had done. For from 1625, France and Spain were wrestling together which should be the superior nation. In 1630, there were wars between Sweden and Germany. In 1631, the French were enterprising upon Italy and Lorrain; and in 1636, open war was declared between France and the house of Austria. And all along the Netherlands had their hands full, either upon their own account, or as they were parties in these wars. And in short, all Europe was so engaged and embroiled, that the court here was not apprehensive of any foreign danger. This made them the bolder to proceed in subverting our civil rights, especially that fundamental one of raising money, which they had put into a fixed way of obtaining without authority of parliament, by the writs of ship-money. But instead of this conduct, if parliaments could have been called and advised with, and if England had concerned itself in these foreign affairs, with a full assistance from the people, it had greatly tended to the honour and safety of the realm, and to the strengthening of the protestant interest abroad.

In the reign of King Charles II. the question I have been here treating of came to be as warmly agitated as it was in the reign of King James I. The King asserted, That the sole right of making peace and war lay in him. The Commons, on
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the contrary, represented, That parliaments had a right to be consulted in matters that relate to peace, war and alliances. It would be too tedious to insert all the speeches, messages, addressees and answers that passed between the King and his Commons upon this subject. I shall therefore only set down the heads of this matter, desiring the reader, for his further satisfaction, to have recourse to the Journals of the House of Commons.

In the year 1664, the parliament advised a war with Holland, the court desired it, and it was then thought no encroachment upon the regal authority. In 1673, when the whole nation began to look into the designs and ill consequence of a Dutch war, though ministers were accused for engaging the King in it without advice of parliament, and though afterwards, in direct terms, both Houses advised the King to a peace, we do not find this resented from the throne. In 1676, the first motions of both Houses towards a stricter alliance with the confederates, and leading to a war with France, the court hoped might be stifled or eluded, and therefore that address was kindly taken. And yet it contained these words: "As soon as the
"alliances were signified in parliament, they would
"give him such aids," &c. But in 1677, when the whole nation was awakened, when the strict correspondence between King Charles and France became suspected, when the Commons were thoroughly alarmed with the apprehensions of that formidable power, and when they appeared in earnest to desire a preventive war; then this prerogative is asserted, and the ministers prevailed to put into the King's mouth the roughest words imaginable; "That in no age the prerogative had
"been so dangerously invaded." It is true, the discontents an abrupt prorogation had begot, com-

pelled the court next session to begin in milder terms: but neither threats nor flattery could induce the Commons to depart from their rights; and they so far intermeddled in matters of peace and war, as to advise the King not to make any peace, but such as should reduce the French to the terms of the Pyrenean treaty. This pressing still upon France, the ministers again suggest an angry answer, and the prerogative is as highly insisted on as before; but the Commons were so far from thinking themselves in the wrong, that in a few days they addressed to him, to recall and send away ambassadors; and immediately to declare, proclaim, and enter into an actual war. In 1678, worse designs were in the forge, and upon the anvil, the subversion of our religion. However, my lord chancellor Nottingham, who had no participation in those dark counsels, opened matters fairly, and gave an account of what leagues and treaties were perfected, or in agitation; and declared, That the King desired the advice of his parliament therein. And the Commons thought themselves so far to have the right of interposing with their advice in matters of peace, war and alliances, that they desired to see these leagues and treaties, which was granted. But when the league offensive and defensive with Holland came to be examined, they found it not pursuant to their address, nor consistent with the safety of the realm. They desired he would enter into the alliances with the Emperor, the King of Spain, and the other confederates; nor were they yet persuaded they entrenched upon any right of the crown, when they laid this advice before the King; but it suited not with the projects then a-foot: however, the prerogative was not then insisted on; but the ministers had recourse to another evasion, and made

made the King say, That having asked the advice of both Houses, he would take no resolution without the Lords concurrent advice.

Thus the court (when any thing pressed upon France) held up this prerogative as a shield, which they laid aside as often as they saw occasion; but still they claimed by words only, without giving any precedent or proof, and in fact receded; whereas the Commons in no instance yield up the point, urging constant practice: and they did not only make a claim, but asserted their right by overt-acts; in their addresses actually advising the King in all the matters now in question.

And, as a further vindication of their right, they address to the King to remove, Whom? “Those counsellors who had advised these answers;” that is, those ministers who had persuaded him, that his Commons had no right to advise him in affairs wherein the King, they themselves, and the whole people whom they represented, were so much concerned.

So that the address here last recited brings this whole question into a narrow compass. The ministers suggested to the King in a clandestine manner, That by advising the alliance with the Emperor, Spain, and the United Provinces, and the war with France, the Commons had invaded his prerogative of making peace and war; whereas, as they themselves answer, they did only offer their humble advice in matters where the safety of the kingdom was concerned, a right, as they say, never questioned by his predecessors. And though the Commons had admitted, that a King acting in those matters, acted by his prerogative, (though in truth he rather acts by his royal authority, prerogative being something above the law) yet their deeds had not been inconsistent with this

concession, and are to be reconciled by this principle, to wit, That declaring war, concluding peace, and signing or ratifying alliances, are acts requiring the personal performance of some one or more, and consequently must be vested in the executive power; but that this does not exclude any part of the legislative authority from interposing with their advice in all these matters, as they shall see occasion. However, in their address of the 25th of May 1677, the Commons declared, “ That they conceived it not agreeable to the
“ usage of parliament, to grant supplies for main-
“ tenance of wars and alliances before they are
“ signified in parliament.” And they say further,
“ From which usage, if we should depart, the
“ precedent might be of dangerous consequence
“ in future times.” If this be the ancient constitution, as undoubtedly it is, what can be the meaning of the words, “ signified in parliament?” Are the acts and instruments only to be read before the Commons to please curiosity, and for news, and are they then to open their purses? If that be the case, our claim to be a free people is but weakly founded. But if leagues and treaties are to be signified to them for any purpose at all, it must be because they have a deliberative voice, and may judge, and accordingly advise their Prince, That such a war is destructive; such a peace is dishonourable; and such an alliance dangerous. And upon these grounds, they thought themselves not in the wrong to advise against the war with Holland, to oppose the peace treated at Nimeguen, and to vote the league offensive and defensive with the States General, not to have been pursuant to their address, nor consistent with the safety of the realm: and if, by the constitution of this government, they might do so, of which they
had

had precedents almost in every reign, it follows, by an inevitable chain of consequences, that both Houses have a right to be consulted in the beginning concerning those important affairs, upon which, in the conclusion, they must determine.

I have here given an account of every reign since William the Norman downwards to our own times; and I have produced undeniable precedents, that almost in every reign the Barons, while the property centered chiefly in them, or the people by their representatives, have been all along consulted in all difficult points, and in all the important matters of government; especially in making war and peace, or alliances, with the realm of France. King John did indeed take other measures, but it is notorious what a subverter of public liberty he was; and Richard III. as I have noted before, had no foreign wars.

Whoever looks over the histories of the twelve centuries that followed the subversion of the Roman empire, (whose final period some place in the year of our Lord 412, about which time several new monarchies began to be erected upon its ruins) will find, that not only in England, but in all the nations of Europe, Princes acted, both in peace and in war, by the concurrent advice of their people; and that this course was every where observed, as long as the Gothic constitutions and governments continued.

But about the latter end of the 15th century, the face of affairs began to change in most kingdoms, and the balance of property (which ever carries along with it the balance of power) began almost every where to alter.

For pomp and expence (which were unknown to the Northern nations, by whom the Romans were supplanted) began again to prevail in the world,

world, whereby the nobility of each kingdom was not only effeminated, but impoverished. The riots, costly apparel, rich equipages, fine buildings, the luxuries introduced by foreign trade, the feasts and masques, with the other vanities of a court, all which began about that time, did drive the Lords and great men of most countries into such immense debts, that they were forced to sell their estates, and, with their property, they lost that dependence the common people had upon them.

In the Gothic constitutions, the strength of a nation consisted of such as immediately lived upon the King's own lands, and were bound to fight his battles; and of such who, by their tenures, were bound to follow their lords into the field: the King could command his own tenants, and those who held of him in chief, to attend him in his wars for such a term of time; and likewise had a right to summon the Lords and great men to attend him, with their vassals and dependents. And while things stood thus, Princes never pretended to make war or peace without the advice and assent of the whole.

But when they had wasted and granted away the demesnes of the crown, and when the barons had sold their estates, or changed the service due by tenure into a rent certain, they began to govern in another manner.

1st, They corrupted the higher nobility, quite exhausted by their expences, with commands and offices; they did the same by the lower degree, or those whom we call gentry: and then they prevailed upon both ranks to settle upon them taxes and new impositions, whereby they might maintain standing troops and mercenary armies. And when this was done, and not before, flatterers

began to assert this prerogative of making war, peace and alliances, to be in the crowns of France and Spain, and the practice has been accordingly.

For when a Prince has a revenue granted to him large enough to wage war without the purses of his people ; or when he has so overthrown the laws of his country, that he raises money without their assent ; it would be a ridiculous condescension in him, (and such a one as a wise nation would think themselves therein insulted) if he should call upon them for their advice in matters relating to war and peace. And indeed, soon after these changes were made in the Gothic constitutions which have been here mentioned, Princes began to lay aside the use of all public councils in which the people were represented, and to govern their business, both of war and peace, by the advice of ministers, or what we now call a cabinet council.

But where the nation is to bear the burden of a war, where it is to feel the dismal effects of an unsound and precarious peace, and where no money can be raised to support wars or alliances, but by common consent ; it were an absurdity in government to imagine, that matters of this nature (upon which the welfare or ruin of the whole depends) should be transacted without the advice or assent of parliaments.

This right of being advised with in all important affairs, (which our ancestors, from the beginning of this government, stood possessed of) having its foundation in property, it follows, that it must remain with those in whom the property is vested, unless any man can shew, the people have lost it by mis-usure, non-usure, or for want of putting in a sufficient claim.

Henry VII. as many writers have observed, made the first material change in our constitution,

by giving way to laws whereby the balance of property came to be on the peoples side, such as were his laws for population, against retainers, and for alienations; for before his time, without dispute, the church and the temporal barons were more weighty than all the rest. And in matters of war and peace, and in all affairs of high consequence, till that reign, the House of Peers seems chiefly to have been consulted.

His son, Henry VIII. went yet farther towards altering the ancient balance of property, by putting into the hands of laymen the church lands, which, by an estimate upon record *, were, in the reign of Richard II. valued at one third part of the kingdom.

These Princes, by so doing, did undoubtedly lay the foundations of that foreign traffick and wealth which England has since enjoyed; for trade could never have flourished in a country where so large a proportion of the land remained unalienable in the possession of the church, and of the temporal barons. But, at the same time, it must be granted, that these measures tended, in the future, to lessening the regal power, which is never so safe and so well screened as by a powerful clergy, and by a rich nobility.

Mr. Harrington goes so far as to say, That Henry VII. quite overturned the ancient government of England, by weakening the authority of the Lords. His words are, “ † This King, “ through his natural subtlety, reflecting upon “ the greatness of their power, and the incon- “ stancy of their favour, began to find another “ flaw in this kind of government, which is also

* Vide Rot. Parl. 4 Rich. II. N^o. 13.

† Oceana, page 69.

“ noted by Machiavel, namely, That a throne
“ supported by a nobility, is not so hard to be
“ ascended as kept warm. Wherefore his secret
“ jealousy, lest the dissention of the nobility, as
“ it brought him in, might throw him out, made
“ him travel, in ways undiscovered by them, to
“ ends as little foreseen by himself; while, to
“ establish his own safety, he, by mixing water
“ with their wine, first began to open those sluices
“ that have since overwhelmed, not the King only,
“ but the throne.” In another place he goes so
far as to attribute the cause and event of the last
civil war to those counsels. His words are :
“ For the House of Peers, which alone had stood
“ in this gap, now sinking down between the
“ King and the Commons, showed that Crassus
“ was dead, and the Isthmus broken. But a
“ monarchy divested of its nobility, has no refuge
“ under heaven but an army. Wherefore the
“ dissolution of this government caused the war,
“ not the war the dissolution of this government.”

But though this Prince (who came in partly by election of the people, and might therefore perhaps desire to make himself and this constitution a little more popular) did thereby impair the condition of his successors, yet the change was not presently felt. And he himself, by his thrift, courage, and deep wisdom, did so order his affairs, as, during his whole reign, to make a very great figure throughout all Europe.

He began his reign in the latter end of the 15th century, viz. 1485, by which time Lewis XI. had begun to enslave France. In the same age, the male line of the house of Burgundy was extinguished, whose powerful dominions had always been jealous of their own, and friends to the liberties of other nations, till the time of their last
unfortunate

unfortunate duke, who arrogated to himself more power than his predecessors had ever claimed. In that age likewise Ferdinand, by uniting the realms of Castile and Arragon, and by the conquest of the Indies, had made himself so great, as to be indeed above the laws of his country; so that in those days there seemed a disposition in most of the considerable Princes in Europe to set up for arbitrary power, and to lay aside the custom of advising with their people. It is true indeed, that since these times, the three estates of France have been sometimes assembled, and the Cortez of Spain have met, but deprived of their ancient authority; so that we have good reason to lay down, that the old form of governing is much altered since the latter end of the 15th century.

The Germans only seem to have kept up to their old constitution in their publick assemblies, or general diets, as they call them, wherein are handled all matters relating to peace, war, taxes, leagues, alliances, the abrogation of old, and the enacting of new laws, the coin, and all other things that concern the commonwealth, the right of the whole, and the majesty of the empire. As Thuanus tells us, * “ Verum quæ ad imperii
 “ majestatem rempublicam, & jus univerforum
 “ pertinent ut cum de pace, de bello, de tributis
 “ in communis belli sumptibus imponendis de
 “ fœderibus, de fociis, de legum latione abroga-
 “ tione aut intertatione, de moneta & ceteris
 “ hujusmodi rebus agitur, de iis in ordinum co-
 “ mitiis (diœtas vocant quæ, quo loco & tempore
 “ commodum videtur, indicare imperatori jus est
 “ deliberatur.” But in other countries, for some
 years, parliaments were hardly called for any

* Thuan. Hist. lib. 2. tom. 1. p. 36.

other purpose, but to lay taxes upon the people; for from the 4th of Henry VIII. I do not find parliaments consulted in the difficult and arduous business of the realm for some years; but at last, as has been shown, the people did renew their claim to this ancient right, and in times which were not obnoxious to any censure.

In the reign of Henry VIII. the balance of property, which is the balance of power, was not yet fixed, nor are the effects of such a great change in property, as his father had made, immediately discerned. It is true, the Lords had lost ground, but it was the King, not the House of Commons, that had got it. That power which was heretofore in this constitution, divided between the Prince, the Lords, and the Church, came at last to centre all in the Crown: for Henry VIII. what with the wealth left him by his father in ready money, which was an immense sum, and what with the church and crown revenue, had such a property in himself, or the disposal of such a property, as made him entirely master of both Houses; and accordingly we see he brought parliaments to enact what laws, to give what taxes, to cut off what persons, and to make what attainders he pleased: no wonder then, if he was allowed to transact his foreign affairs according to his own will and pleasure.

In the reign of Queen Elizabeth, the House of Peers, which heretofore had so large a sway and power, was again depressed. For, as Mr. Harrington very finely observes, “ Henry VIII. by
“ dissolving the abbies, brought with the declin-
“ ing state of the nobility, so vast a prey to the
“ industry of the people, that the balance of the
“ commonwealth was too apparently in the popular
“ party to be unseen by the wise council of Queen
“ Elizabeth,

“ Elizabeth, who converting her reign, through
“ the perpetual love tricks that passed between her
“ and her people, into a kind of romance, wholly
“ neglected the nobility.” But the power which
the Lords had lost still continued in the crown;
for this Princess may be said to have governed with
arbitrary and absolute authority, even by the con-
sent of the people, by having had the skill to make
the Commons pleased with all her actions. Besides,
in her time the balance of property was not as
yet fully settled, the acts of Henry VII. had not
yet had their entire operation, the Lords still held
very large possessions; trade, which did not begin
to flourish till towards the latter end of her reign,
had not as yet divided the lands of England into
many hands. The balance of property therefore
remaining unfixed, we are not to wonder, that
neither the Lords nor Commons claimed any par-
ticipation of power; nor to be consulted in the
high affairs of government, such as are war,
peace, and foreign alliances. The Lords indeed
had lost what they pretended to, but it was not yet
devolved upon the Commons.

But towards the latter end of King James I. an
extended trade had fixed this balance of property;
the church lands, a great part of the crown lands,
and the large possessions of the barons, came to be
divided among the people: and as soon as this
was done, we find the Commons claiming a right
to be advised with in matters relating to war,
peace and alliances; the consequences of which
were to affect their land. While the Lords spi-
ritual and temporal had in a manner all the land,
and all the power, they chiefly were consulted;
but when the largest share of all this came into
the hands of the people, and when, in the reign of
King Charles II. the remainder of the crown lands
were

were alienated, and when military services were determined, the Commons thought they had yet a further right to interpose with their counsels, since, at their expence chiefly, peace was to be preserved, alliances were to be maintained, and wars were to be supported.

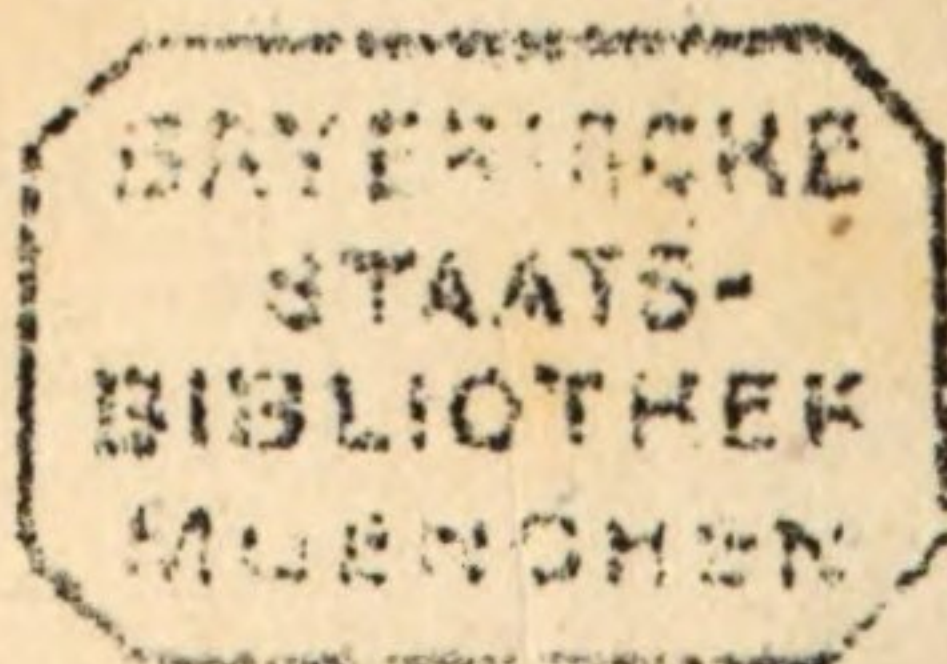
If it would not swell the work too much, I could show, that the same has been for many ages practised in France, Spain, Denmark and Sweden: for if it be well examined, it will be found, that there is no essential difference in any of the forms of government established by the Northern nations, after they had subverted the Roman state; for being erected by men almost of the same climate, temper and inclinations, they could not but resemble one another. These new principalities did not stand upon the same foundation with the old monarchies of the world; where one man having, by force or consent, obtained sovereign sway over a few at first, afterwards, with their help, proceeded by conquest to enlarge his dominion, till at last he had erected to himself a mighty empire with unlimited authority.

They who descended from these ancient lords of the earth, or who succeeded to their rule, might, in a long course of time, think they had prescribed upon the rights of human kind, and consequently believe themselves not bound by any law, nor obliged, either in war or peace, to follow the advice of any; and that they were left at liberty, in all matters whatsoever, to pursue the dictates of their own will and pleasure. But it was not so with the Goths, and such of the Germans who left their own country to seek new seats; they did not make their hazardous migrations, and blindly follow chiefs and leaders without any conditions: on the contrary, it is evident from history,
that

that they who accompanied the Princes that made those expeditions from the North, assisted with men and money in the enterprize, and were to participate, both as to property in the land, and as to authority in governing the territories and dominions which, with their joint forces, they purposed to invade. There was, what we now call, an original compact among them, That the Prince and his great men should have the principal sway, but that each degree of the people should be fenced against the oppressions of power with certain stated rights and privileges. Nor can it be imagined, that men should be so destitute of reason, as to quit their native soil, and expose themselves to so many dangers in fighting for every foot of ground they were to gain, if they had no better a prospect before them, than that they and their posterity were, in all future ages, to be slaves.

This would have been a slender encouragement for men to undergo the infinite perils that attend the invaders of an armed and well peopled country; but it is apparent these adventurers (who planted in Gaul, Spain, Burgundy, Normandy, Lombardy, England, and other parts; indeed, they possessed themselves of all the best provinces of Europe) went out upon better terms; and if it had been otherwise, we should have met in history with some absolute monarchy founded by them, of which no single instance can be given. On the contrary, we no sooner read of their having conquered any country, so as to fix in it, but at the same time, or in a few years after, we find good and wholesome laws established, such as did set due bounds between the liberties of the people and the Prince's power.

END OF THE THIRD VOLUME.



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